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SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1934

No. [redacted] 23

THE BASSICK MANUFACTURING COMPANY,
Plaintiff-Petitioner,

vs.

THE R. M. HOLLINGSHEAD COMPANY,
Defendant-Respondent.

PETITION FOR WRIT OF CERTIORARI

AND

BRIEF IN SUPPORT THEREOF.

LYNN A. WILLIAMS,
ALBIN C. AHLBERG,
Counsel for Petitioner.

Eastman Bros., Inc., Law Printers, 542 S. Dearborn St., Chicago.

INDEX.

PETITION FOR WRIT OF CERTIORARI 1

Summary and short statement of the matter involved 2

Reasons relied on for the allowance of the writ 3

BRIEF OF PETITIONER IN SUPPORT OF PETITION FOR WRIT OF CERTIORARI 11

Opinion of the court below 11

Jurisdiction 12

Statement of question involved 12

Summary of argument 12

Petitioner's business 13

Statement 15

The construction and mode of operation of the coupler of the Gullborg patent No. 1,307,734 16

The Hollingshead Company's equipment 17

The compressor sold by the Hollingshead Company to Beezley included a suction effect coupler substantially identical with those held by the Seventh Circuit Court of Appeals, and previously held by the Sixth Circuit Court of Appeals, to infringe the suction effect claims of Gullborg patent No. 1,307,734 20

The construction and mode of operation of the couplers previously held by the Sixth Circuit Court of Appeals to infringe the "suction effect" claims of the Gullborg patent 1,307,734 24

In the structure of the Gullborg patent in suit, as in the case of all of the "suction effect" compressors heretofore held by the Sixth Circuit Court of Appeals and by the Seventh Circuit Court of Appeals and by scores of District Courts to infringe the suction effect claims of the Gullborg patent No. 1,307,734, it is necessary to relieve the pressure upon the grease in order to secure the advantages of the "suction effect" 28

In conclusion 30

Specification of errors 34

Appendix:

List of cases in which petitioner's Gullborg patent No. 1,307,734 was found valid and infringed 35

Cases Cited.

American Stove Co. *v.* Cleveland Foundry Co., *et al.*, 158 Fed. 978, 985 31
Ball & Roller Bearing Co. *v.* F. C. Sandford Mfg. Co., 260 Fed. 415 31
Bassick *v.* Adams, 52 Fed. (2d) 36 8
Bassick *v.* The Larkin Automotive Parts Co., 18 Fed. (2d) 29 25
Bassick *v.* O. K. Manufacturing Co., 18 Fed. (2d) 29 24
David *et al. v.* Harris, 206 Fed. 902, 904 31
Fay *v.* Mason *et al.*, 127 Fed. 325, 333 32
Fried, Krupp Aktien-Gesellschaft *v.* Midvale Steel Co., 191 Fed. 588 32
Hardinge Conical Mill Co. *v.* Abee Engineering Co., *et al.*, 195 Fed. 936, 940 31
Holland Furniture Co. *v.* Perkins Glue Co., 277 U. S. 245, 246 12
Hollingshead *v.* Bassick, 50 Fed. (2d) 592 3
I. T. S. Rubber Co. *v.* Essex Rubber Co., 270 Fed. 593, 605 31
Kohn *v.* Eimer *et al.*, 265 Fed. 900, 903 31
Larkin Automotive Parts Company and Montgomery Ward & Co. *v.* Bassick, 19 Fed. (2d) 944 21
Larkin *v.* Bassick, 19 Fed. (2d) 944 ..... 5, 8
Leeds & Catlin *v.* Victor, 213 U. S. 301, 325 ..... 5, 14
Lyman *v.* Bassick and six other cases, 18 Fed. (2d) 29 ..... 8, 27
Marconi Wireless Tel. Co. of America *v.* De Forest Radio Telephone & Telegraph Co., 243 Fed. 560, 563 31
National Mach. Corp. Inc. *v.* Benthall Mach. Co., Inc., 241 Fed. 72, 86 32
Rogers *v.* Alemite, 74 Fed. (2d) 1019 8
Safety Car Heating & Lighting Co. *v.* Gould Coupler Co., 239 Fed. 861, 865 31
Sundh Electric Co. *v.* General Electric Co., 204 Fed. 277, 279 31
Victor Talking Mach. Co. *v.* Sonora Phonograph Corp., 221 Fed. 676, 677 31
Webber Electric Co. *v.* Freeman Electric Co., 256 U. S. 668, 669 12

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Defendant-Respondent.

PETITION FOR WRIT OF CERTIORARI.

To the Honorable the Chief Justice and Associate Justices of the Supreme Court of the United States:

Your petitioner, The Bassick Manufacturing Company, respectfully prays for a writ of certiorari to review the decision and decree of the United States Circuit Court of Appeals for the Sixth Circuit rendered November 14, 1934 (73 Fed. (2d) 543), directing that the bill of complaint be dismissed in the above entitled cause. A petition for rehearing was denied January 14, 1935.

Summary and Short Statement of the Matter Involved.

An ordinary patent infringement suit in equity was brought August 16, 1926, in the United States District Court for the Western District of Tennessee, Western Division, on patents to Arthur V. Gullborg No. 1,307,734, issued June 24, 1919, and to Oscar U. Zerk No. 1,475,980, issued December 4, 1923, charging an infringement thereof by the respondent, The R. M. Hollingshead Company, in the sale of certain lubricating devices, and praying an injunction and an accounting.

The Hollingshead Company, in so far as the Gullborg patent is concerned, sold two kinds of equipment known throughout a rather extensive litigation as "suction effect" and "non-suction effect." Petitioner, by this petition, seeks to bring before this court for review so much of the decree of the Circuit Court of Appeals for the Sixth Circuit as held the sale by the Hollingshead Company of "suction effect" couplers (and their associated compressors) not to be an infringement of the claims of the Gullborg patent.

The case was tried at final hearing in the District Court and a so-called "decree" was entered on May 25, 1928 (Rec., p. 533). The Hollingshead Company took an appeal from that decree[1] but the appeal was dismissed by the Sixth Circuit Court of Appeals as being

[1] Mr. Chief Justice Hughes appeared on the brief as one of the counsel for The R. M. Hollingshead Co. in connection with this first appeal to the Sixth Circuit Court of Appeals. His appointment to the United States Supreme Court occurred prior to the oral arguments upon this appeal. This first attempted appeal by the Hollingshead Co. was dismissed by the Sixth Circuit Court of Appeals. In its first appeal the Hollingshead Company did not argue or contend that its suction-effect couplers were not sold in contributory infringement of claims 1, 2, 3, 4, 5, 6, 8, 10, 14 and 15 of the Gullborg patent. It had not even assigned error on this score. In its first appeal, in which Mr. Justice Hughes appeared as counsel, the sole contention was that certain non-suction effect couplers did not infringe claims 14 and 15 of the Gullborg patent.

from an order confirming a special master's report upon collateral issues, and making permanent a preliminary injunction but without determination of the fundamental issues of validity and infringement and, therefore, non-appealable (*Hollingshead* v. *Bassick*, 50 Fed. (2d) 592; petition for rehearing denied 53 Fed. (2d) 470). The cause was then submitted to the District Court upon the record made prior to the first attempted appeal. This resulted in a decree holding that the sale of compressors and couplers of the type exemplified in Exhibit A filed with the affidavit of Beezley (suction effect) and Exhibit A filed with the affidavit of Cumming (non-suction effect) constituted infringement of claims 1, 2, 3, 4, 5, 6, 8, 10, 14 and 15 of Gullborg patent No. 1,307,734.

The opinion of the Sixth Circuit Court of Appeals reversing the decree of the District Court is reported at 73 Fed. (2d) 543. The order denying the petition for rehearing entered on January 14, 1935, is not reported.

Reasons Relied On For the Allowance of the Writ.

The discretionary power of this court to grant a writ of certiorari is invoked upon the following grounds as set forth in Rule 38 of this court:

The decision of the Sixth Circuit Court of Appeals sought to be reviewed is in direct conflict with the decisions of several other circuit courts of appeal relative to the Gullborg patent (and in conflict also with the previous decisions of the Sixth Circuit Court of Appeals in several other cases).

Claims 1, 2, 3, 4, 5, 6, 8 and 10 of the Gullborg patent No. 1,307,734 (Rec., p. 411) describe a lubricating sys-

tem for automobiles or other machines, in which a "pin fitting" (*i. e.*, a nipple or "grease cup") is permanently screwed into a hole leading to the bearing to be lubricated. Each bearing is permanently equipped with one pin fitting. A grease gun or compressor can, by means of Gullborg's coupler, be quickly attached to and detached from each of the several pin fittings in succession. The gun or compressor is first filled with grease. When, therefore, it is attached to one of the pin fittings by means of the coupler, its piston can be operated in such a way as to force grease under high pressure through the coupler and the pin fitting, into the bearing to be lubricated. Upon discontinuing the pressure in the grease gun by arresting the forward movement of the piston or by retracting the piston of the compressor, the associated coupler may be detached from the one pin fitting and subsequently attached to another pin fitting.

There was nothing new or patentable in or about the grease gun *per se* of Gullborg's combination. It was the construction and mode of operation of the coupler and the pin fittings which, in combination with the grease gun, constituted Gullborg's invention and led to the commercial adoption of Gullborg's lubricating system to an extent such as to have almost completely displaced every other known means for the lubrication of the chassis bearings of automobiles. The plaintiff, Bassick Manufacturing Company (and its successors, Alemite Corporation and Stewart-Warner Corporation) has sold more than five hundred million of the pin fittings and tens of millions of compressors and couplers for use in combination therewith.

The complete combination of the patent cannot be assembled by the manufacturer. It is only the ultimate

user who does that,—because it is only the ultimate user who has occasion to couple the compressor to a pin fitting. In this respect the Gullborg patent is like that of the Berliner patent involved in the case of *Leeds & Catlin* v. *Victor*, 213 U. S. 301, 325, where the claimed combination involved the disc record, tone arm, and stylus of a phonograph. It was only the ultimate user who brought together or "combined" the tone arm and stylus with the disc record.

Some of the many infringers of the Gullborg patent have sold the pin fitting parts only; others have sold the compressor and coupler parts only.

Almost all of the many suits for infringement of the Gullborg patent have therefore involved mainly questions of contributory infringement.

In the present case the Hollingshead Co. sold only the compressor and coupler part of the complete combination. It did so with the expectation and intention that the purchaser would combine it with the pin fitting parts manufactured and sold by others.

With this brief explanation of the invention of the Gullborg patent, the conflict of the decision of the Sixth Circuit Court of Appeals can be concisely and exactly stated:

In the case of *Larkin* v. *Bassick*, 19 Fed. (2d) 944, the Court of Appeals for the Seventh Circuit held that the Larkin Company's sale of certain couplers, together with their associated compressors, for intended use in combination with the plaintiff's "Alemite" pin fittings, was a contributory infringement of claims 1, 2 and 6 of the Gullborg patent in suit. In its decision rendered November 14, 1934 (73 Fed. (2d) 543), in the present case, the Sixth Circuit Court of Appeals held that the Hollingshead Company's sale of the same identical

couplers (together with their associated compressors) for intended use in combination with the plaintiff's "Alemite" pin fittings, was not a contributory infringement of these same claims 1, 2 and 6 of the Gullborg patent.

The *complete* identity of the couplers sold by the Hollingshead Co. in the one case with those sold by the Larkin Company in the other case, was due doubtless to the fact that the couplers sold by Hollingshead were manufactured for Hollingshead by Larkin prior to the time that Larkin had been enjoined against the further sale of these couplers. This common source of these identically similar couplers as sold by the two companies, is alluded to in the opinion by Judge Denison of the Sixth Circuit Court of Appeals, 50 Fed. (2d) 592 (rehearing denied 53 Fed. (2d) 470), wherein the first attempted appeal of the Hollingshead Company was dismissed. In this opinion Judge Denison said:

> "In *Lyman Mfg. Co.* v. *Bassick Mfg. Co.*, 18 F. (2d) 29, we held the Gullborg patent No. 1,307,734 valid as to certain claims and contributorily infringed by Larkin through the sale of his compressor or grease gun for the purpose of being used in connection with plaintiff's pin fittings to make up the combination described in these claims. . . . The Hollingshead Company, through a subsidiary at Memphis, had been purchasing and selling these Larkin devices, thus held to infringe these two patents. On account of such sales, the Bassick Company brought, in the court below, this suit complaining of the infringement of these two patents. Upon due application a preliminary injunction issued, which was expressly directed against the further sale of these Larkin devices."

The record in the present (Hollingshead) case does not show that the Hollingshead Co. purchased its coup-

lers (and the associated compressors) from the Larkin Co. It does, however, show the exact and complete identity of the couplers sold by Hollingshead with those sold by Larkin. The Larkin Company's sales of these couplers were held by the Seventh Circuit Court of Appeals to be a contributory infringement. The Hollingshead Company's sales of identically the same couplers were held by the Sixth Circuit Court of Appeals not to be a contributory infringement.[2]

This latest decision of the Sixth Circuit Court of Appeals in this case of *Hollingshead* v. *Bassick* is not only in conflict with the decision of the Seventh Circuit Court of Appeals in *Larkin* v. *Bassick*, 19 Fed. (2d) 944, but also in conflict with the decisions of several other United States Circuit Courts of Appeal, but is indeed in conflict with the prior decision of the Sixth Circuit Court of Appeals in *Lyman* v. *Bassick* and six other cases reported in 18 Fed. (2d) 29.

The conflict with the decision of the Seventh Circuit Court of Appeals can be most concisely stated, because

---

[2]Some of the guns or compressors in association with which the Hollingshead Co. sold its couplers, differed in immaterial respects from the compressors sold by Larkin prior to the commencement of the litigation against Larkin. Larkin was, however, compelled to discontinue the manufacture and sale of all of these slighly variant forms of compressors under the prior decision of the Sixth Circuit Court of Appeals, 18 Fed. (2d) 29, and under the decision of the Seventh Circuit Court of Appeals in 19 Fed. (2d) 944.

The details of the compressor are, however, of no consequence since the claims of the Gullborg patent describe the compressor part of the combination in such broad, general terms as "a pump" (claims 1, 2, 3, 4, 5 and 6), or "means for supplying lubricant to said conduit comprising a receptacle provided with a discharge outlet" (claims 8 and 10).

The opinion of the Sixth Circuit Court of Appeals in Lyman vs. Bassick and Six Other Cases, 18 Fed. (2d) 29, devotes itself in detail to the Gullborg coupler, and in a footnote on page 35 disposes of the compressor part of the combination by saying merely:

> "Of course, in order to allow this vacuum and suction to develop, any heavy pressure on the grease must be stopped, either by the check valves used in some forms, or by the release of the plunger pressure, or both, and, if there is any failure in this relief, the grease, perhaps after momentary retraction, will continue to exude."

The Hollingshead Co.'s couplers were sold with compressors having these check valves or means for releasing the plunger pressure, or both.

the defendant's allegedly infringing coupler in the Larkin case (19 Fed. (2d) 944, C. C. A. 7) was identical with the defendant's allegedly infringing coupler in this Hollingshead case. In the other cases the defendants' couplers differed in some details from the Hollingshead Co's. couplers. In construction and in mode of operation these other couplers embodied all of the essential features of the coupler of the Gullborg patent. It is impossible to reconcile the holding that the Hollingshead Co's. coupler did not infringe, with the holdings in the other case that the defendants' couplers did infringe. Indeed, it is impossible to reconcile the present holding of the Sixth Circuit Court of Appeals, that the Hollingshead Co's. coupler did not infringe, with the same Court's holding in *Lyman* v. *Bassick* and six other cases (including Larkin) that the defendants' couplers did infringe. The present decision of the Sixth Circuit Court of Appeals is, therefore, in direct conflict with the following decisions:

Larkin v. *Bassick* (C. C. A. 7), 19 Fed. (2d) 944.

Bassick v. *Adams* (C. C. A. 2), 52 Fed. (2d) 36.

Lyman v. *Bassick* and six other cases (C. C. A. 6), 18 Fed. (2d) 29.

Rogers v. *Alemite* (C. C. A. 3), 74 Fed. (2d) 1019.[3]

WHEREFORE, your petitioner respectfully prays that a writ of certiorari be issued to review the decision and decree of the United States Circuit Court of Appeals for the Sixth Circuit in the case numbered and entitled

[3] This present decision of the 6th C. C. A. is in conflict also with the decisions of many district courts under the same Gullborg patent. The invention of the Gullborg patent so completely replaced every other known means of lubricating the chassis bearings of automobiles and other machines that there has been a very great temptation to infringe it. The plaintiff's contentions relative to the infringement of the Gullborg patent have been fully sustained in all of the suits listed in the appendix.

on its docket, 6419, *The R. M. Hollingshead Company* v. *The Bassick Manufacturing Company,* to the end that this cause may be reviewed and reversed by this Court, and that your petitioner be granted such other and further relief as may be proper.

Dated, April 12, 1935.

THE BASSICK MANUFACTURING COMPANY,
By LYNN A. WILLIAMS,
ALBIN C. AHLBERG,
Counsel for Petitioner.

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1934.

No.

THE BASSICK MANUFACTURING COMPANY,
Plaintiff-Petitioner,

vs.

THE R. M. HOLLINGSHEAD COMPANY,
Defendant-Respondent.

BRIEF OF PETITIONER IN SUPPORT OF PETITION FOR WRIT OF CERTIORARI.

I.

Opinion of the Court Below.

The opinion of the Sixth Circuit Court of Appeals is reported in 73 Fed. (2d) 543, and is printed in the record at pages 601 to 614. There was no opinion on the petition for rehearing. The order denying the petition, entered January 14, 1935, appears at page 617 of the record.

Jurisdiction.

The grounds on which the jurisdiction of this court is invoked are:

1. The date of the judgment to be reviewed was November 14, 1934, and of the denial of the petition for rehearing January 14, 1935.

2. The judgment was rendered in a suit in equity brought under the patent laws to determine issues of validity and infringement of letters patent for invention issued by virtue of Title 35, Sec. 40, United States Code.

3. The statute under which jurisdiction is invoked is Sec. 240 (a) of the Judicial Code, Title 28, United States Code, Sec. 347 as amended by the Act of February 13, 1925.

4. Cases believed to sustain the jurisdiction are *Webber Electric Co.* v. *Freeman Electric Co.*, 256 U. S. 668, 669; *Holland Furniture Co.* v. *Perkins Glue Co.*, 277 U. S. 245, 246.

Statement of Question Involved.

The question involved before this Court is that of infringement of claims 1, 2, 3, 4, 5, 6, 8 and 10 of Gullborg patent No. 1,307,734.

Summary of Argument.

Claims 1, 2, 3, 4, 5, 6, 8 and 10 of Gullborg patent No. 1,307,734 describe a lubricating system or equipment which under the trade-name of "Alemite" has had a phenomenal commercial success. It promptly displaced every other known means for the lubrication of

the chassis bearings of automobiles and other similar machinery. Some or all of these claims of this patent have been adjudicated as valid and infringed in scores of similar cases. The couplers sold by Hollingshead correspond in every feature of construction and mode of operation with the coupler illustrated and described in the Gullborg patent. The claims in suit read squarely on the devices sold by the Hollingshead Company. The Hollingshead Company should be held as a contributory infringer of these claims, precisely as scores of other defendants have been so held.

Petitioner's Business.

In 1919, petitioner began the manufacture and sale of "Alemite" lubricating equipment under the protection of the Gullborg patent in suit No. 1,307,734. That business has continued down to the present time. This lubricating equipment comprises "pin fittings" which are screwed or attached to the bearings of automobile and other machinery, and compressors and couplers for use in conjunction with the fittings for introducing the lubricant into the bearings. Specimens of the equipment are in evidence as Plaintiff's Exhibit B, Otis testimony—assortment of Alemite pin fittings, and Exhibit A, Otis testimony—small hand type compressor, hose and coupler. Petitioner manufactured and sold a full line of pin fittings for various types of bearings and a large line of compressor outfits as illustrated in Plaintiff's Catalog, Exhibit E, Otis Testimony.

Each Alemite pin fitting is exactly like every other Alemite pin fitting in so far as the receiving or connecting end is concerned. The fittings differ only in the end which is attached to the bearing, that is, they

have different sizes and kinds of threads or securing means. Each compressor outfit, whether small or large, terminates in an Alemite coupler and is adapted to receive an Alemite pin fitting and to make a quickly attachable and detachable leak-proof and otherwise satisfactory connection therewith.

No two pieces of machinery have exactly the same number of bearings, located in exactly the same way. What the purchaser desires, therefore, is to buy a combination comprising a compressor of appropriate size or type, and an assortment of fittings adapted to fit the requirements of his particular machine, and a coupler by means of which the compressor may be successively connected with each of the several pin fittings.

In consonance with these requirements of purchasers, the Bassick Company, after first attempting to market the Alemite equipment in predetermined "sets," adopted the policy of separately listing and pricing all of the component parts of the complete combination, thereby allowing each purchaser to procure the assortment best adapted to his needs.

This method of selling is rather unusual. The only close parallel is that of the phonograph. The Victor Talking Machine Company sold the Victor phonograph under the Berliner patent No. 534,543, involved in *Leeds & Catlin* v. *Victor*, 213 U. S. 301, and 213 U. S. 325. The Berliner patent covered the combination of the turn-table, stylus, tone arm, etc., and the disc record. Anyone could buy a phonograph machine in any one of a dozen sizes and styles and then select the disc records which struck his fancy. One purchaser would buy a small portable Victrola Style 23-A and fifteen Jazz band records. Someone else would buy the console style Victrola No. 141-C, together with twenty-five

Grand Opera records. The phonograph machines and the records were separately listed and priced, just as are the component parts of the Alemite equipment. In both cases the purchaser desires and enjoys the advantage of making up a selection to suit his particular needs.

No high pressure lubricating equipment comparable to the patented equipment had ever been manufactured or sold prior to the advent of petitioner's product on the market.

Statement.

We have reproduced drawings of the Gullborg patent construction and drawings appearing in records constituting physical exhibits in this case, showing what were previously found to have been infringments of the Gullborg patent by the Sixth Circuit Court of Appeals and by the Seventh Circuit Court of Appeals.

The Construction and Mode of Operation of the Coupler of the Gullborg Patent No. 1,307,734.

In the accompanying Figure 1 we have illustrated the compressor and coupler exactly as they are disclosed in the Gullborg patent (Rec., p. 421). At the left-hand side of this drawing the coupler is shown in attachment with one of the fittings of the patent. "A perforated cup leather or sealing disc 26 is slidably mounted in the annular portion 24 of the bore of the coupling, and is urged against the shoulder 25 by means of a coiled spring 27, one end of which abuts against the cup leather or sealing disc 26, and the other end of which abuts against the adjacent end 28 of the conduit 19." (Rec., p. 423, line 7.) When the coupler is attached to the fitting, the end of the fitting pushes the cup leather sealing disc 26 away from the shoulder 25, and into the annular portion 24 of the bore of the coupler. The red coloring shows the entire space within the conduit and above the sealing disc 26 to be filled with grease under pressure.

(The hole through the pin fitting and into the associated shackle bolt is, of course, also filled with grease during the process of lubricating a bearing, but for the sake of clearness in illustrating the suction effect we have not applied the red coloring to these passageways in the fitting and shackle bolt and bearing.)

When the injection of grease under high pressure into a given bearing has been completed, the plunger of the compressor is backed off to relieve the pressure upon the grease, whereupon the coupler is detached from the pin fitting.

When the coupler is detached from the pin fitting by disengaging the bayonet slots of the coupler, as shown

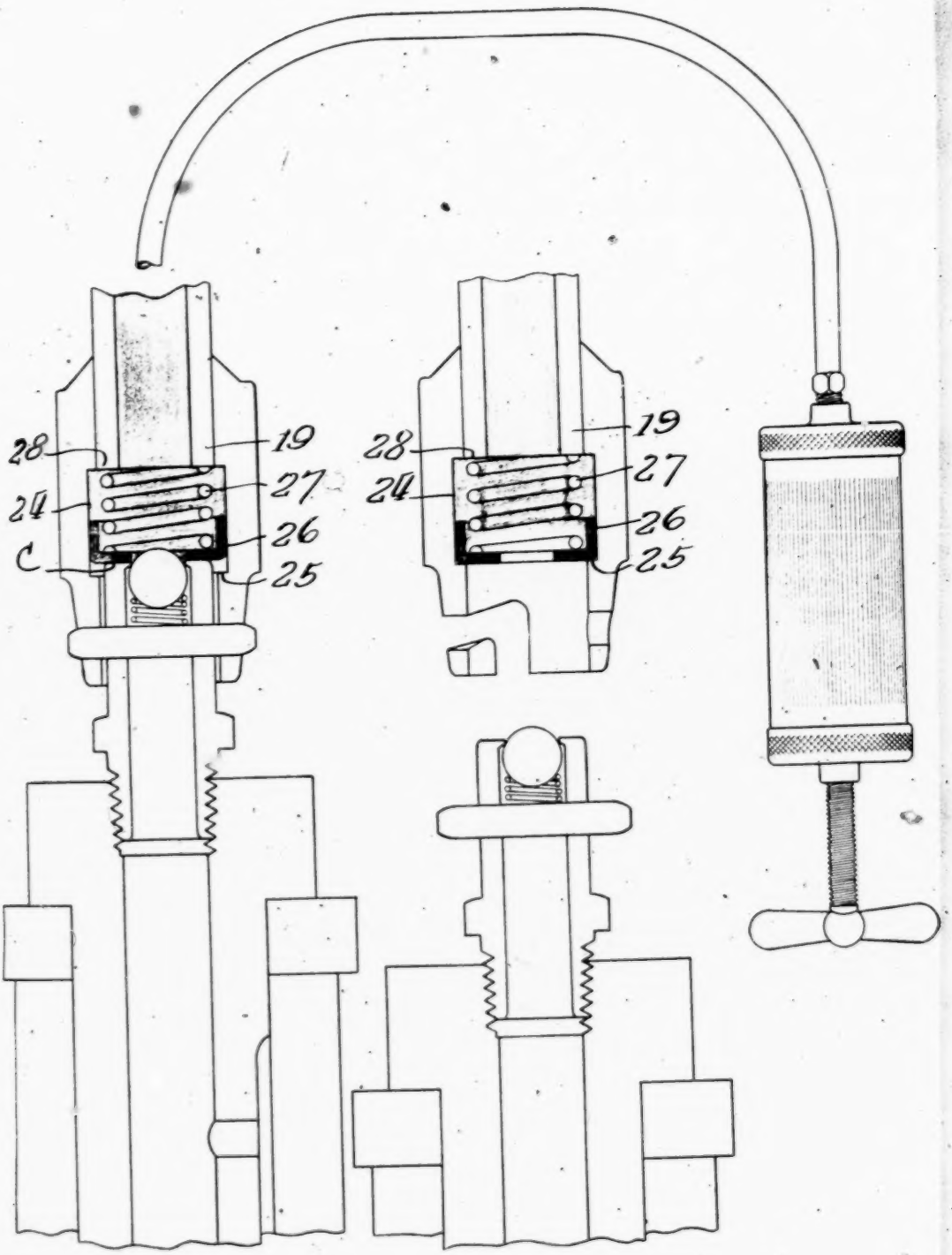


FIG. 1.

in the central view in Fig. 1, the perforated cup leather or sealing disc 26 is pushed downwardly by the spring 27, until the periphery of the sealing disc 26 engages the shoulder 25 at the end of the cylindrical bore 24 of the coupler.

When the sealing disc 26 is thus pushed downwardly by the spring 27, the space between the sealing disc 26 and the conduit 19 is enlarged slightly. The grease, like other liquids, is substantially non-compressible and non-expansible. The grease cannot and does not, therefore, expand (as would an elastic medium, like air) to fill this enlarged space.

The result is a tendency to produce a vacuum (*i. e.*, an unfilled space) within the bore of the coupler above the sealing disc 26, as indicated by the absence of the (red colored) grease just above the sealing disc 26 in the central view of Fig. 1. This vacuum creates a suction, *i. e.*, a tendency of the air to rush in to fill the empty space. This air rushing in through the crevice at C between the end of the fitting and the outer face of the sealing disc 26 carries with it the blob of grease which would otherwise be left on the end of the fitting and on the ball valve at the end of the fitting, and carries this excessive grease back through the hole or perforation in the sealing disc 26 and into the space in the bore of the coupler above the sealing disc 26.

The Hollingshead Company's Equipment.

The respondent Hollingshead Company sold two kinds of couplers (with their associated compressors). The coupler sold to Cumming was not of the "suction" type. This coupler bought by Cumming was found by the District Court to have been sold in contributory in-

fringement of claims 14 and 15 only of Gullborg patent 1,307,734. The Sixth Circuit Court of Appeals held that claims 14 and 15 must be limited to the "suction effect" type of coupler, and that the compressor and coupler sold to Cumming did not, therefore, infringe these claims.

The other type of coupler,—sold by Hollingshead to Beezley, had a "suction effect" coupler. The further sale of this suction effect coupler was enjoined by the District Court, not only under claims 14 and 15, but also under claims 1, 2, 3, 4, 5, 6, 8 and 10 of this Gullborg patent 1,307,734.

On behalf of the petitioner we have always asserted claims 1, 2, 3, 4, 5, 6, 8 and 10 to be limited to couplers of the "suction effect" type. We adhere to that view. The Hollingshead Company has always entertained and expressed the same view. The opinion of the Sixth Circuit Court of Appeals entered November 14, 1934, is based upon and expresses the same view. Everybody concerned has, therefore, entertained the same understanding of these claims, and still entertains the same understanding. Our petition for a writ of certiorari has to do solely, therefore, with the question of infringement of claims 1, 2, 3, 4, 5, 6, 8 and 10, (although claims 14 and 15 are, in any event, broad enough to cover the "suction effect" coupler).

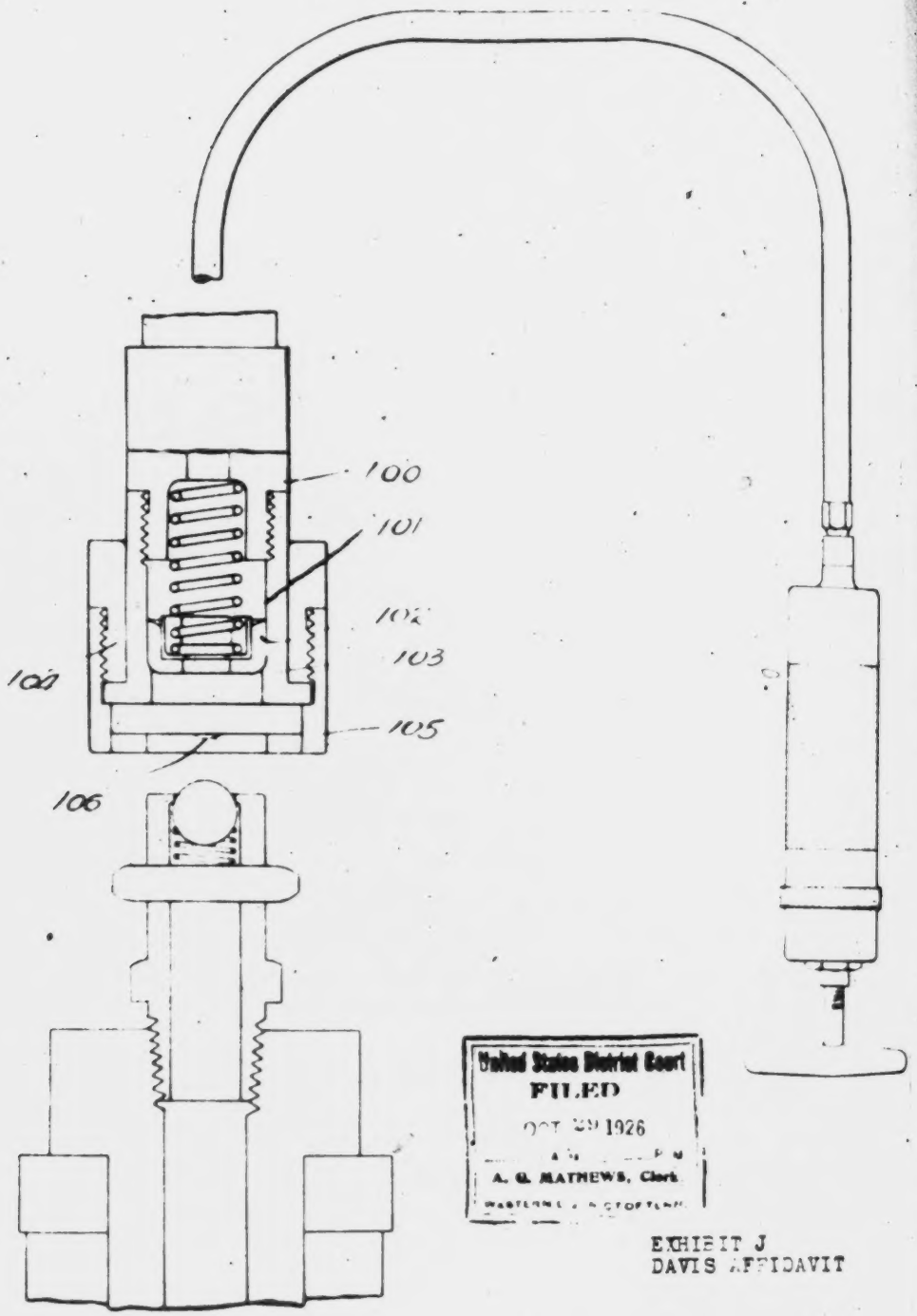
The point of our petition is, briefly, that the compressor which Hollingshead sold to Beezley was of the "suction effect" type.

The coupler of this compressor which Hollingshead sold to Beezley is, in construction, mode of operation and result, substantially identical with the "suction effect" coupler illustrated and described in the Gullborg patent in suit. It is identical in construction,

mode of operation and result with the couplers of the compressors held by the Seventh Circuit Court of Appeals to infringe the "suction effect" claims of the Gullborg patent. We have already explained just what the "suction effect" is and how it is developed in and by the coupler of the Gullborg patent in suit. We wish now to call your Honors attention to the construction and mode of operation of the coupler of the compressor sold by Hollingshead to Beezley, and then to compare this coupler with that held by the Seventh Circuit Court of Appeals to be sold in infringement of the Gullborg patent.

We shall wish to compare it also with the couplers previously held by the Sixth Circuit Court of Appeals to infringe.

PLAINTIFF'S EXHIBIT 15



United States District Court
FILED
OCT 29 1926
A. G. MATHEWS, Clerk

EXHIBIT J
DAVIS AFFIDAVIT

The Compressor Sold By the Hollingshead Company to Beezley Included a Suction Effect Coupler Substantially Identical With Those Held By the Seventh Circuit Court of Appeals, and Previously Held By the Sixth Circuit Court of Appeals, to Infringe the Suction Effect Claims of Gullborg Patent No. 1,307,734.

Opposite this page we have reproduced Exhibit J drawing of the Davis affidavit, appearing at page 373 of record herein.* It illustrates the construction of the coupler forming a part of the compressor which the Hollingshead Company, respondent, sold to Beezley.

On the fly-page opposite this drawing of the Hollingshead equipment sold to Beezley, we have reproduced the same drawing, as Figure 2, but have shown the coupler both attached to a pin fitting and detached therefrom, as in the other drawings of this series. We have supplied reference numerals corresponding with those of the Gullborg patent drawing. Furthermore, we have shown in the left-hand view the condition of the grease during the period of injection. In the central view we have illustrated in red the fact that the grease does not entirely fill the bore 24 of the coupler above the sealing disc 26.

A comparison shows that the Hollingshead Company's suction effect coupler in this case is absolutely

* In all of these drawings the compressor part of the combination is shown in a conventional or diagrammatic manner. This is for the reason that the details of the compressor (or "the pump," as the claims describe it) form no part of Gullborg's invention. The "pump" or compressor was merely one element of the new combination. Any form or kind of grease "pump" would suffice for Gullborg's purpose. In all of the exhibit drawings and in all of our reproductions of them the important thing, i. e., the coupler and the cooperating pin fitting have been drawn to a large scale. Since the details of the compressor or "pump" are unimportant, this part of the drawings is shown on a small scale and in a digrammatic manner. None of the compressors of any of the parties in any of the suits to which reference is made conformed in all of their details to these diagrammatic representations of the compressor part of the combination.

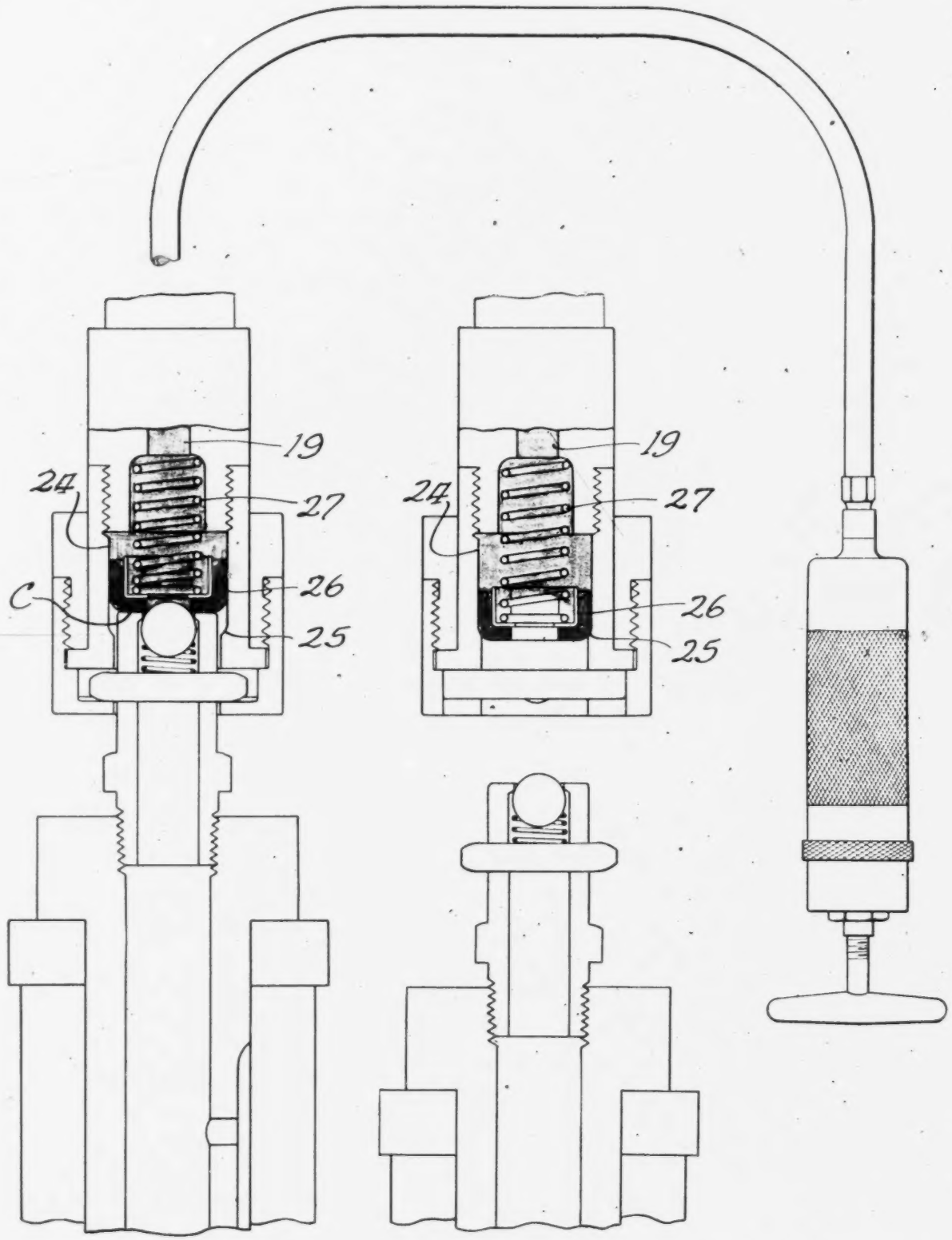


FIG. 2.

identical with the coupler manufactured and sold by the Larkin Automotive Parts Company as involved in the suit in the Seventh Circuit and as shown opposite the following page of this brief.

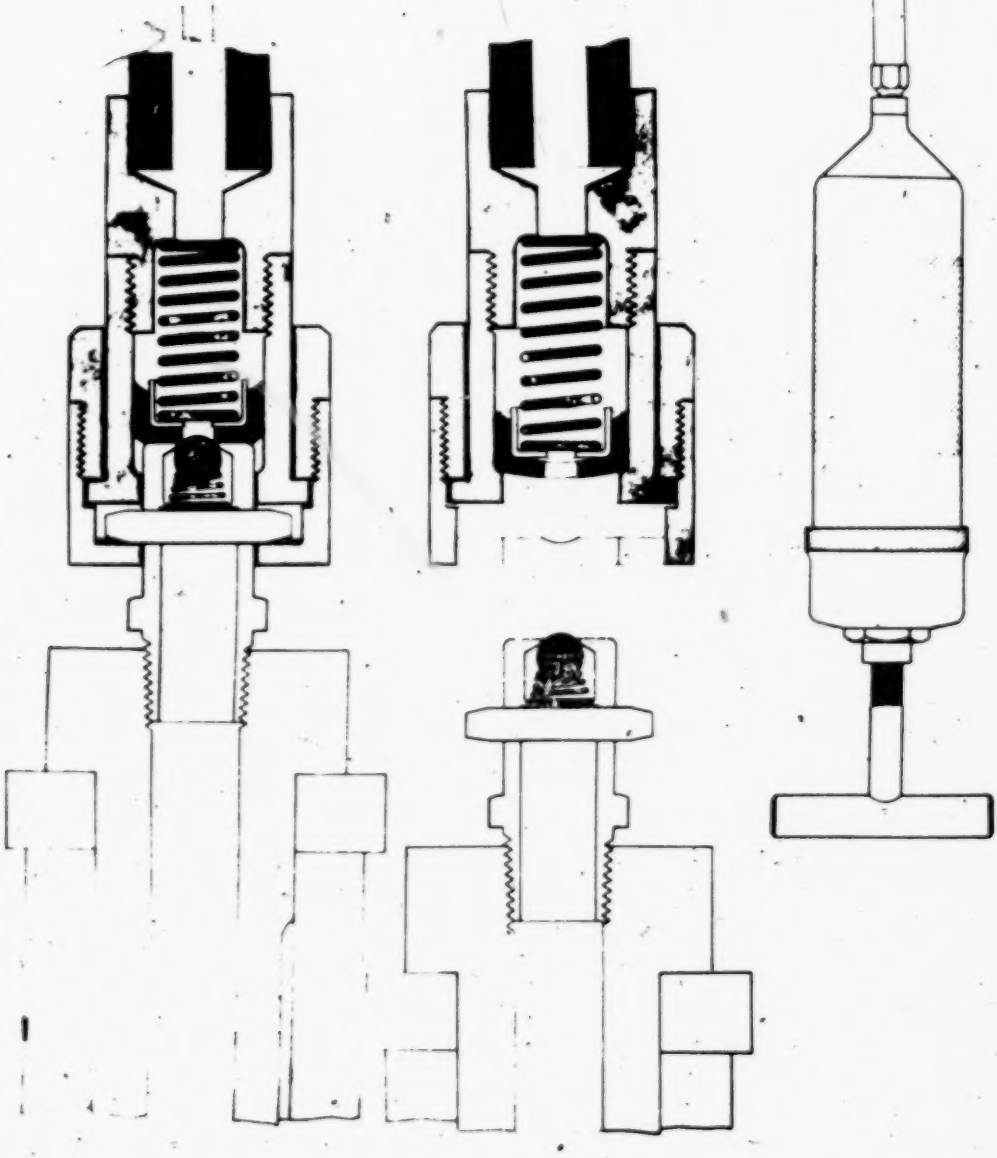
This brings us to the discussion of the Seventh Circuit Court of Appeals in *Larkin Automotive Parts Company and Montgomery Ward & Co. v. Bassick* (7th C. C. A.), 19 Fed. (2d) 944.

NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

THE BASSICK MANUFACTURING COMPANY
vs.
MONTGOMERY WARD & CO. INC. and
THE LARKIN AUTOMOTIVE PARTS CO.

EQUITY NO. 5180

Plaintiff's Exhibit No. 140



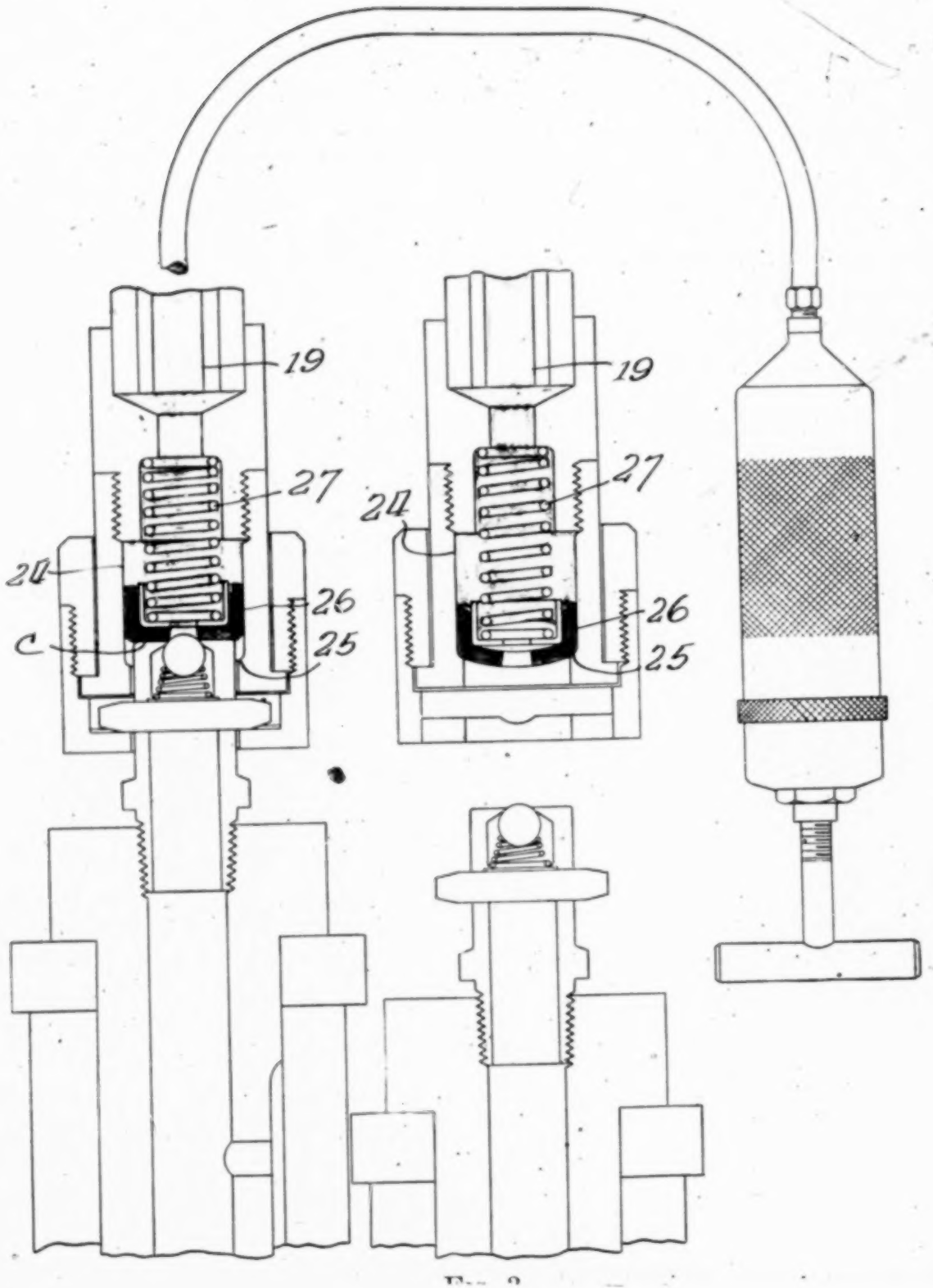
Opposite this page of this brief we have reproduced Plaintiff's Exhibit Chart No. 140, which appears at page 475 of the record in the case of *Larkin Automotive Parts Company et al.* v. *Bassick*, in the Seventh Circuit Court of Appeals. The two volumes of this record were offered in evidence herein as Plaintiff's Exhibits Nos. 6 and 6-A, and are here as physical exhibits. This drawing illustrates the suction effect coupler manufactured and sold by the Larkin Automotive Parts Company. It was found to infringe by the Seventh Circuit Court of Appeals, 19 Fed. (2d) 944.

Adjacent the drawing of this Larkin equipment we have, as Figure 3, reproduced the drawing with the addition of reference characters corresponding with those of the Gullborg patent.

As in the other instances, the left-hand view shows the coupler attached to the fitting. The conduit and the bore of the coupler are shown to be filled with grease. The sealing disc 26 is in the form of a cup leather; a spring 27 presses the cup leather 26 toward the shoulder 25.

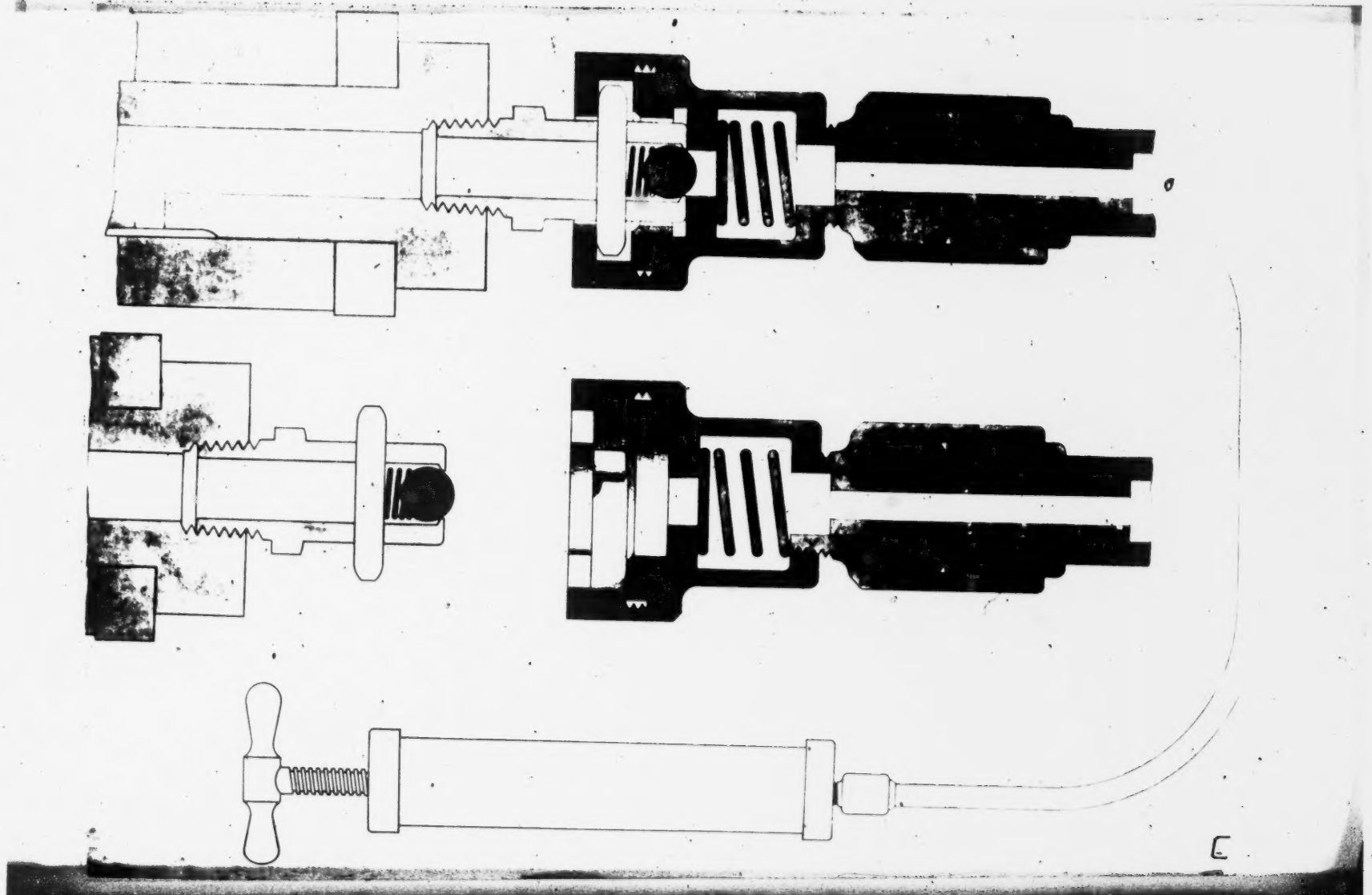
When the coupler is detached from the pin fitting, as shown in the central view of Fig. 9, the spring 27 pushes the sealing disc 26 downwardly until it engages the shoulder 25, thereby enlarging the space within the bore 24 of the coupler. Here, as in the other instances, there is a tendency to produce a vacuum within the space above the sealing disc 26 and within the bore 24, because, as indicated in red in this central view, the grease cannot and does not fill the enlarged space which is created by the downward movement of the sealing disc upon the disconnection of the coupler from the pin fitting.

At the moment of disunion, "nature abhoring a vac-



uum" causes air under atmospheric pressure to rush in through the crevice at C, thereby carrying any excess lubricant from the head of the fitting into the space above the sealing disc 26 and within the bore 24 of the coupler.

A comparison of the drawing Figure 2 with the drawing Figure 3, shows that the device now held by the Sixth Circuit Court of Appeals *not to infringe* is *identical* with the device held by the Seventh Circuit Court of Appeals to infringe.



The Construction and Mode of Operation of the Couplers Previously Held By the Sixth Circuit Court of Appeals to Infringe the "Suction Effect" Claims of the Gullborg Patent 1,307,734.

Bassick v. *O. K. Manufacturing Co.*, Appeals Nos. 4571 and 4572, 6th C. C. A., 18 Fed. (2d) 29.

Opposite this page of this brief we have reproduced Plaintiff's Exhibit Chart 118, which appears at page 664 of the record of Appeals Nos. 4571 and 4572 in the Sixth Circuit Court of Appeals, in the case of *Bassick* v. *O. K. Manufacturing Company et al.*, involving Gullborg patent No. 1,307,734. This record in the O. K. case is before the court as a physical exhibit, Plaintiff's Exhibits 4-A and 4-B. The construction illustrated was one of those found to infringe by the Sixth Circuit Court of Appeals.

Adjacent this exhibit drawing is a drawing, Figure 4, of the same equipment, in which we have indicated the grease in red. The reference letters correspond with those of the Gullborg patent. We have added the reference letter C to indicate the crevice through which there is a rush of air upon the downward movement of the sealing disc 26 upon the detachment of the coupler from the pin fitting.

Here, as in the construction of the Gullborg patent, the inward rush of air through the hole or perforation in the center of the sealing disc 26 carries any excess lubricant from the head of the fitting back into the space above the sealing disc 26 within the bore 24 of the coupler.

The sale of this device by The O. K. Manufacturing Company was held by the Sixth Circuit Court of Appeals, in its opinion at 18 Fed. (2d) 29, to be an infringement of the suction effect claims of the Gullborg patent in suit.

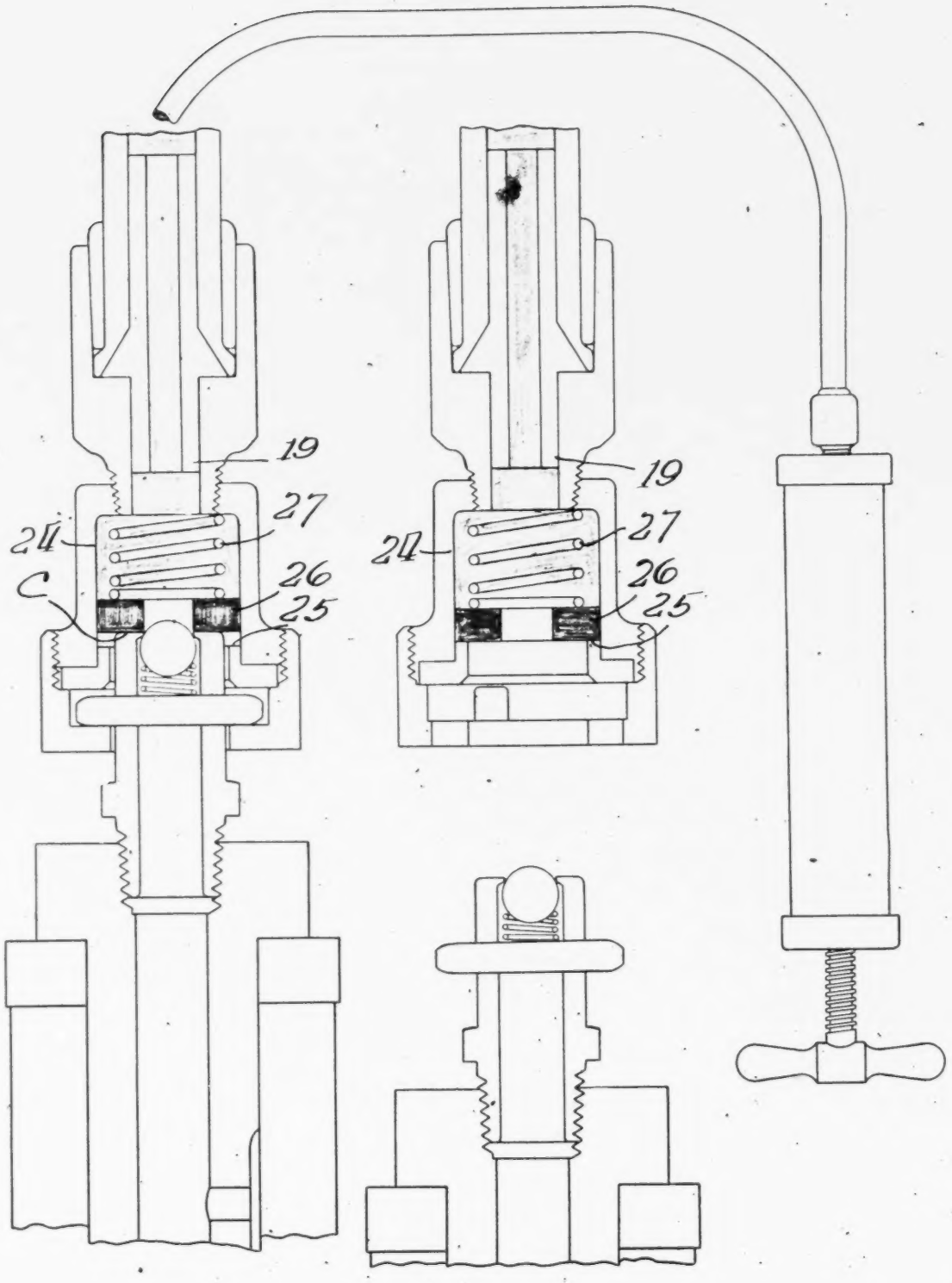
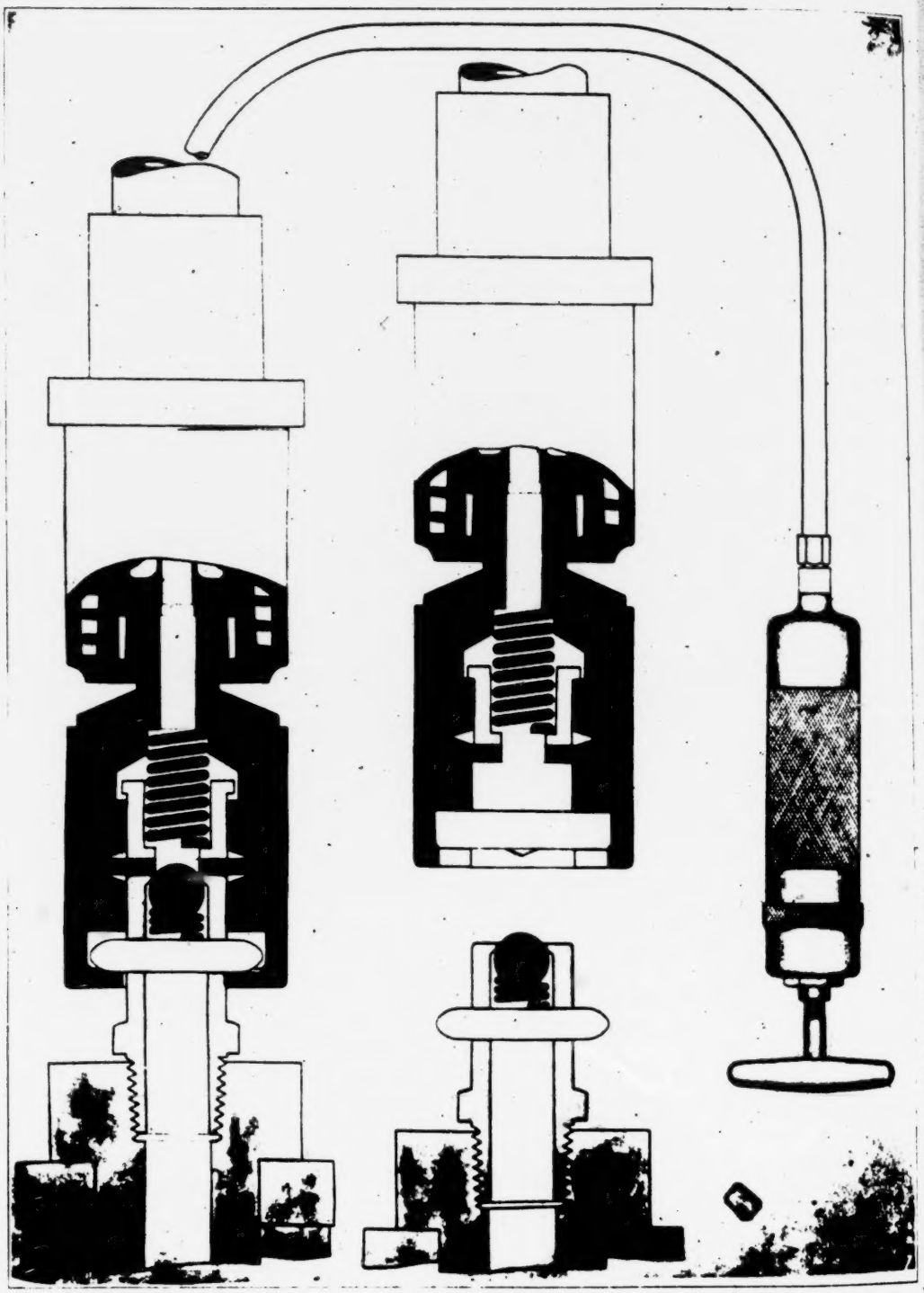


FIG. 4



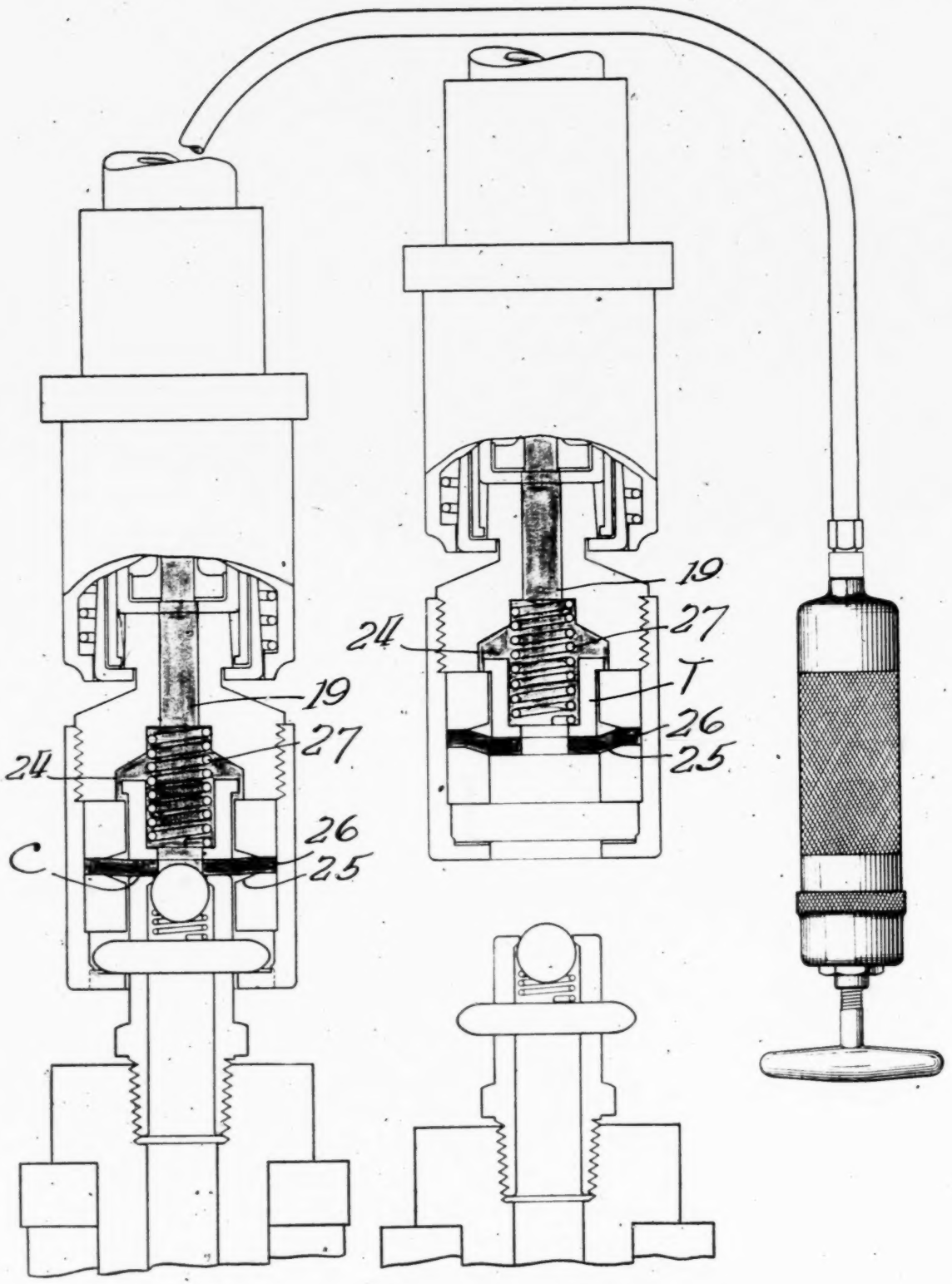
Bassick v. *The Larkin Automotive Parts Co.*, Appeals Nos. 4601 and 4766, 6th C. C. A., 18 Fed. (2d) 29.

Opposite this page of this brief we have reproduced Plaintiff's Exhibit Chart 34 in the case of *Bassick* v. *The Larkin Automotive Parts Company*, decided by the Sixth Circuit Court of Appeals. This drawing appears at page 214, Vol. IV of the record in the Larkin case, which was offered in evidence as Plaintiff's Exhibits 3-A, 3-B, 3-C, and 3-D, herein.

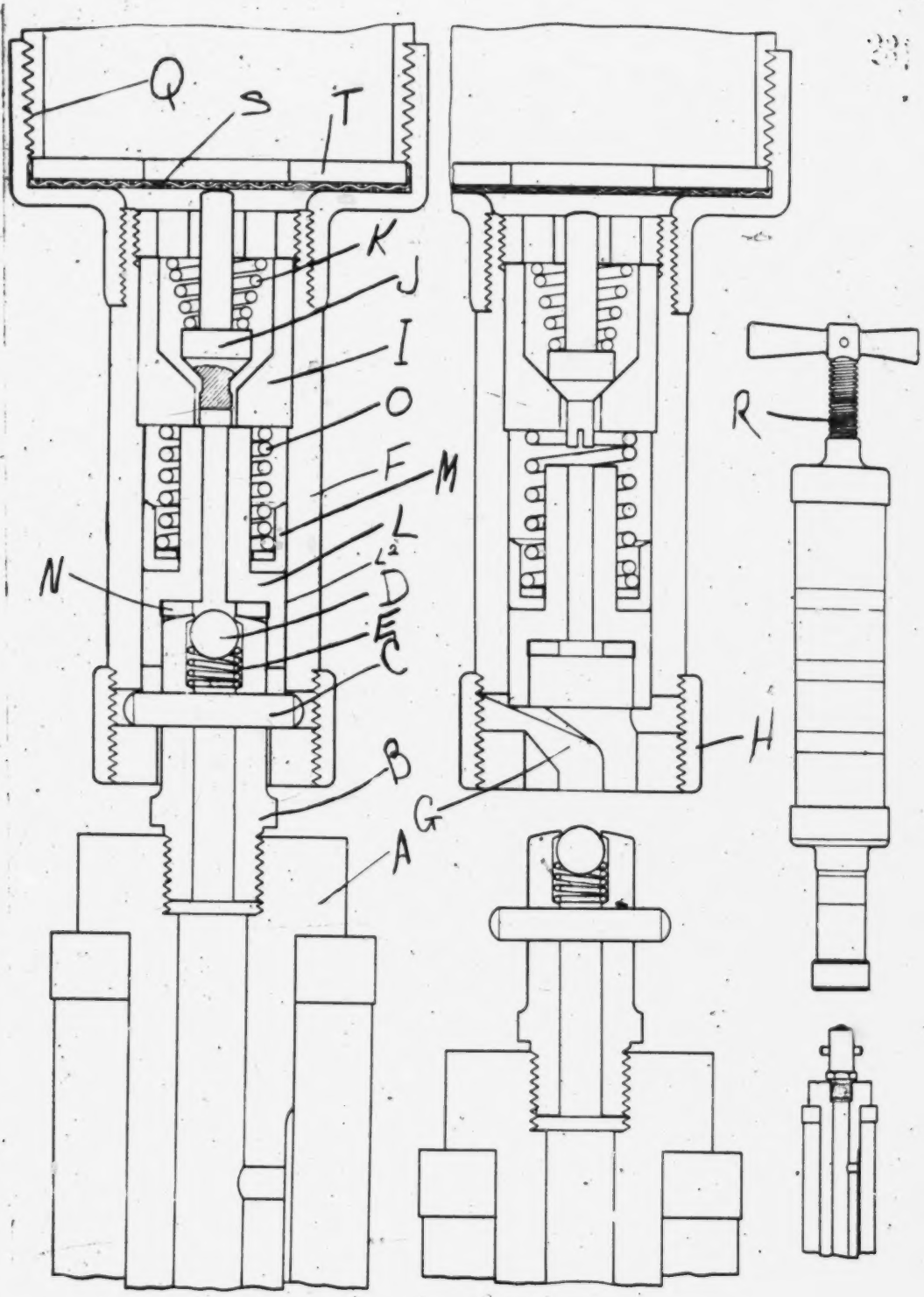
Adjacent this drawing of the Larkin equipment, which is one of those found to infringe by the Sixth Circuit Court of Appeals, we have reproduced the exhibit drawing as Figure 5,—adding to it reference letters corresponding with those of the Gullborg patent, and indicating in red the position of the grease during the period of injection and upon detachment of the coupler from the fitting.

In this case the sealing disc did not exactly *slide* within the bore of the coupler. The same results were secured by an equivalent construction, in which the leather sealing disc 26 was given a somewhat enlarged diameter. The outer periphery of this large sealing disc was clamped between metal shoulders. These metal shoulders were flared out toward the axis of the coupler in such a way as to permit the sealing disc to flex easily upon the attachment and detachment of the coupler. A metal thimble T was interposed between the spring 27 and the sealing disc 26 to transmit the pressure of the spring 27 to the sealing disc 26.

As shown in the left-hand view of Figure 5, the sealing disc was flexed upwardly so as to compress the spring 27 upon the attachment of the coupler to the pin fitting. Upon the detachment of the coupler from



the pin fitting, the spring 27 pushed the central portion of the sealing disc 26 downwardly until it engaged the shoulder 25. This downward movement of the sealing disc at the moment of disunion enlarged the space above the sealing disc, thereby tending to create a vacuum. Here, as in the other cases, there was a tendency of the air to rush in through the crevice C to fill the space in the coupler, which the grease could not and would not expand to fill.



PLAINTIFF'S EXHIBIT NO. 11.
Defendant's Structure; Lyman Compressor, Coupling and Nipple.
(Filed Dec. 23, 1924.)

The Lyman Manufacturing Co. v. Bassick, Appeals Nos. 4461 and 4462, 6th C. C. A., 18 Fed. (2d) 29.

Opposite this page of this brief, we have reproduced Plaintiff's Exhibit Chart No. 11, which appears at page 231 of the record in the Sixth Circuit Court of Appeals in the case of *Lyman Manufacturing Company v. The Bassick Manufacturing Company*, Appeals Nos. 4461 and 4462, decided in the opinion reported at 18 Fed. (2d) 29. The record is in evidence here as a physical exhibit, Plaintiff's Exhibit 5.

Adjacent the drawing of the Lyman equipment we have reproduced the same drawing as Figure 6, with the addition, however, of the reference letters corresponding with those of the Gullborg patent and showing the position of the lubricant in red.

In this instance the sliding sealing member was made partly of leather and partly of metal. We have applied the reference numeral 26 to the three parts of this sliding element. The central lead line runs to the metal piston. The lower face of this metal piston was provided with a leather gasket, to which we have run the lowermost lead line from 26. At the top of this sliding metal piston there was provided a cup leather, to which we have run the uppermost lead line from the numeral 26. A central stem of metal projected upwardly from the metal part of the piston 26 to operate a valve with which we are not here concerned. There was an aperture through the metal piston and through the gasket which engaged the head of the fitting.

Here, as in the other cases, it will be seen that the space above the sealing member and within the bore 24 of the coupler is enlarged by and upon the downward movement of the sealing member under the expansive force of the spring 27.

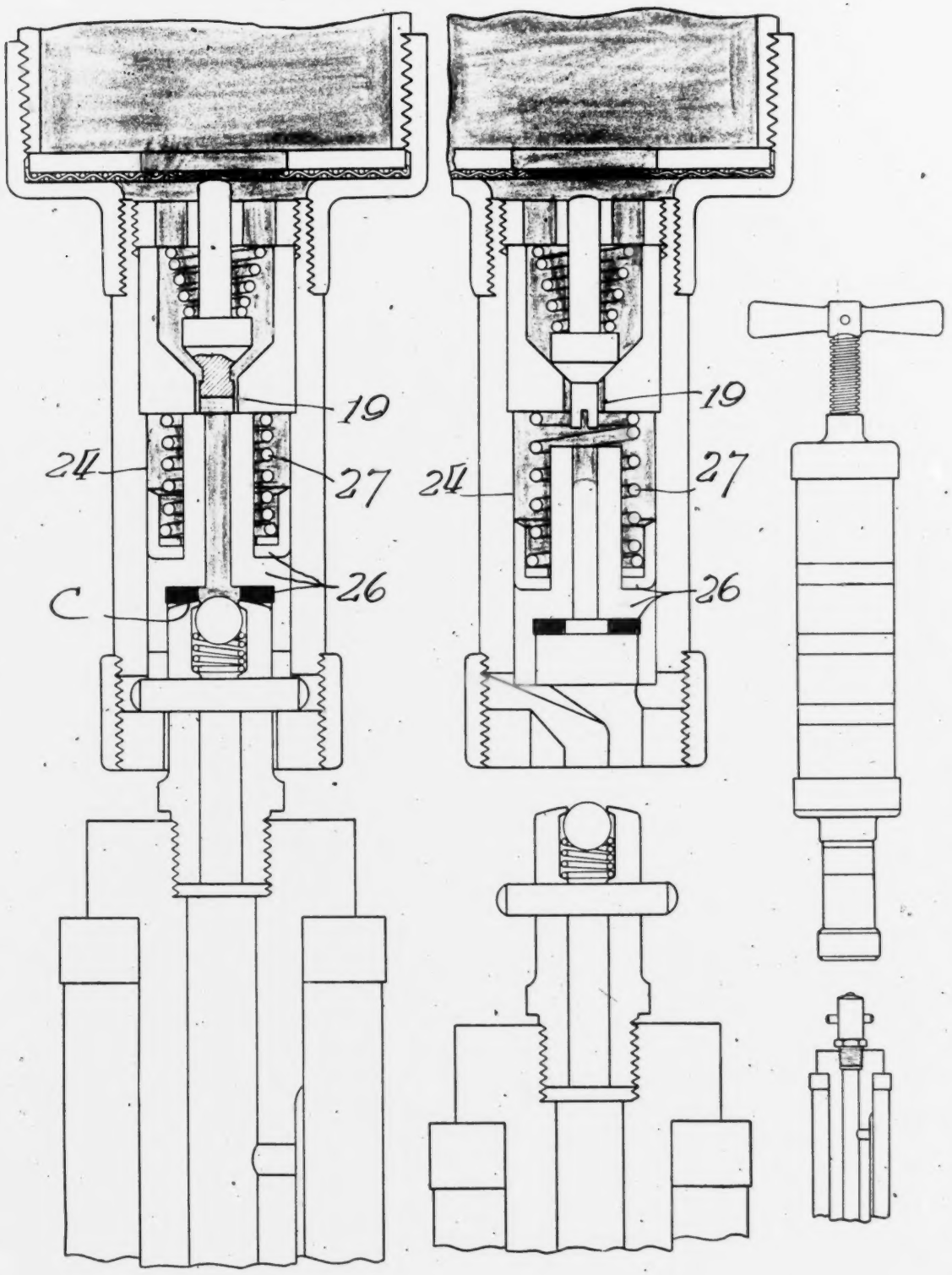


FIG. 6.

The present decision of the Sixth Circuit Court of Appeals is in conflict with these prior decisions of the same court.

In the Structure of the Gullborg Patent in Suit, As in the Case of All of the "Suction Effect" Compressors Heretofore Held By the Sixth Circuit Court of Appeals and By the Seventh Circuit Court of Appeals and By Scores of District Courts to Infringe the Suction Effect Claims of the Gullborg Patent No. 1,307,734, It Is Necessary to Relieve the Pressure Upon the Grease in Order to Secure the Advantages of the "Suction Effect".

In footnote No. 5 of the Sixth Circuit opinion, the Court said:

> "Of course, in order to allow this vacuum and suction to develop, any heavy pressure on the grease must be stopped, either by the check valve used in some forms, or by the release of the plunger pressure, or both; and if there is any failure in this relief the grease, perhaps after momentary retraction, will continue to exude."

In the case of the compressor sold by the appellant to Beezley it is just as necessary to relieve any heavy pressure upon the grease before detaching the coupler from the fitting as it is in the construction of the patent in suit and in all of the other constructions which have been held to be infringements of its suction effect claims.

The Hollingshead suction effect equipment can be operated in such a way as to destroy the utility of the suction effect by maintaining the application of a heavy pressure upon the lubricant in the conduit at the moment of disunion of the coupler from the fitting. The fact is, however, that the Hollingshead equipment can

be and normally would be operated in such a way as to relieve the pressure whereby the suction effect of the Gullborg invention is obtained. Such a relief of pressure in the Hollingshead coupler can be demonstrated in open court in three minutes.

The Sixth Circuit Court of Appeals in 18 Fed. (2d) 29, recognized the "suction effect" feature of the Gullborg construction when it granted relief against infringements involving substantially the same kind of "suction effect" equipment as was sold by the Hollingshead Company.

In discussing the Gullborg improvement over an earlier Winkley patent the Sixth Circuit Court of Appeals, at page 35 of 18 Fed. (2d), said:

> "The additional functions gained by this change in form were two; the first was that after the initial sealing was effected by the spring pressure, it was intensified and made more efficient by the pressure developed in the liquid itself. The second was that by reason of the peculiar shape of the sliding member and after it had been by the pressure of the fitting pushed up a substantial distance, upon the disunion of the parts the spring would throw it sharply down to its position of rest, leaving a vacuum behind it, and an upward inrush of air into this vacuum through the restricted opening would create a suction which would pull up into the opening the grease which at the moment of disunion had been below the opening, and which otherwise would smear up the parts and impair the cleanliness of operation. The first of these meritorious functions is not fanciful. Its existence is not only apparent from inspection but tests show that the same pressure which is developed in the conduit below the fitting,—as much as a thousand pounds if need be,—is also developed above and against the contacting bottom of this cup washer; and the actual

efficiency in this pressure is demonstrated by the test showing that while it is maintained, the fitting head and the lower side of the washer can not be disturbed in their adherence without considerable force, while when the pressure is removed they would, except for the bayonet joint, drop apart. As to the second functional merit, its theoretical existence is apparent. Its actual existence in substantial degree seems to be demonstrated by high pressure experiments and by the concurrence of the undisputed testimony that the claimed result does occur and that this is one of the efficient causes why the device has had its great success."

In Conclusion.

The coupler sold by the Hollingshead Company to Mr. Beezley is a "suction effect" coupler substantially identical in its construction and mode of operation with that of the Gullborg patent in suit, and with that heretofore and now sold by the plaintiff, and with those heretofore held by the Sixth Circuit Court of Appeals and still by the Seventh Circuit Court of Appeals (and by scores of district courts throughout the country) to infringe the "suction effect" claims of the Gullborg patent in suit. The opinion of the Sixth Circuit Court of Appeals entered in the Hollingshead case on November 14, 1934, is the only holding by any one of the many courts which have passed upon this Gullborg patent that such a device as the defendant's Beezley type gun is not an infringement of the "suction effect" claims of this Gullobrg patent No. 1,307,734.

The petitioner did not in the trial of this case undertake to introduce the testimony of any expert witnesses. It was our opinion that the subject-matter was simple, that the language was clear and unmistakable, and that

the apparatus offered in evidence was sufficient in and of itself to demonstrate its construction and mode of operation.

Furthermore, the unbridled employment of expert witnesses in patent cases has often been most emphatically condemned by the federal courts.

David et al. v. *Harris*, 206 Fed. 902, 904, Second C. C. A. 1913. Opinion by Coxe, C. J.

Kohn v. *Eimer et al.*, 265 Fed. 900, 903, 2nd C. C. A. 1920. Opinion by Learned Hand, D. J.

Ball & Roller Bearing Co. v. *F. C. Sandford Mfg. Co.*, 260 Fed. 415, D. C. Conn. 1922. Thomas, D. J.

Marconi Wireless Tel. Co. of America v. *De Forest Radio Telephone & Telegraph Co.*, 243 Fed. 560, 563, 2nd C. C. A. 1917. Opinion by Hough, C. J.

Safety Car Heating & Lighting Co. v. *Gould Coupler Co.*, 239 Fed. 861, 865, 2nd C. C. A. 1917. Opinion by Hough, C. J.

Hardinge Conical Mill Co. v. *Abee Engineering Co., et al.*, 195 Fed. 936, 940, 2nd C. C. A. 1912. Opinion by LaCombe, C. J.

Victor Talking Mach. Co. v. *Sonora Phonograph Corp.*, 221 Fed. 676, 677, D. C. S. D. N. Y. 1915. Mayer, D. J.

I. T. S. Rubber Co. v. *Essex Rubber Co.*, 270 Fed. 593, 605, D. C. Mass. 1920. Anderson, C. J.

American Stove Co. v. *Cleveland Foundry Co., et al.*, 158 Fed. 978, 985, 6th C. C. A. 1908. Opinion by Severns, C. J.

Sundh Electric Co. v. *General Electric Co.*, 204 Fed. 277, 279, 2nd C. C. A. 1913. LaCombe, C. J.

Fay v. *Mason et al.*, 127 Fed. 325, 333, 2nd C. C. A. 1903. LaCombe, C. J.

National Mach Corp. Inc. v. *Benthall Mach. Co., Inc.*, 241 Fed. 72, 86, 4th C. C. A. 1916. Opinion by Pritchard, C. J.

Fried, Krupp Aktien-Gesellschaft v. *Midvale Steel Co.*, 191 Fed. 588, 3rd C. C. A. 1911. Opinion by Buffington, C. J.

Still furthermore, at the time of the trial of the instant case the Gullborg patent in suit had been the subject of repeated litigations. Many of them had been the subject of appeals disposed of by the Sixth Circuit Court of Appeals.

The Hollingshead Company, on the other hand, did introduce expert testimony. The arguments and the conclusions of the defendant's expert were, in our opinion, best answered by the devices themselves,—which were in evidence as physical exhibits. The result is that we have had to rely, and will have to rely in this case upon the Court's examination and understanding of the devices themselves as shown by the exhibits, both paper and physical. A moment's demonstration of some of these exhibits completely refutes the contentions of the Hollingshead Company's expert witness to the effect that a check valve in the discharge conduit of the Hollingshead compressor operates in such a way as to prevent the Hollingshead Company's "suction effect" coupler from functioning in such a way as to produce the "suction effect".

If the opinion of the Sixth Circuit Court of Appeals in the present case is to stand, it means simply that the Hollingshead Company has the right to sell lubricating equipment substantially identical with that described in the patent in suit and substantially identical with

that upon which the plaintiff's entire business has been built.

It means that the Hollingshead Company alone may share in the Bassick Company's business under the patent in suit, whereas scores of defendants in other suits under the same claims of the same patent have been restrained from doing,—both by the Sixth Circuit Court of Appeals and by many other courts, including particularly (for the purposes of this petition) the Seventh Circuit Court of Appeals.

After careful consideration we have decided not to burden your Honors with a presentation or discussion of the couplers of the compressors which the Second Circuit Court of Appeals and the Third Circuit Court of Appeals, and scores of district courts have enjoined under some or all of these claims 1, 2, 3, 4, 5, 6, 8 and 10 of Gullborg patent 1,307,734.

Claims 14 and 15 of the Gullborg patent in suit are broad enough to include both "suction effect" couplers and non-suction effect couplers. The Sixth Circuit Court of Appeals held that these claims must be limited to the "suction effect" couplers. The Second Circuit Court of Appeals and the Third Circuit Court of Appeals have not so regarded these claims 14 and 15. But, even if they be limited in some way to the suction effect coupler, they are nevertheless infringed by the coupler sold by the Hollingshead Company to Beezley.

Specification of Errors.

The specification of errors which your petitioner will urge if the writ of certiorari is granted, is that the Circuit Court of Appeals for the Sixth Circuit erred:

In finding that claims 1, 2, 3, 4, 5, 6, 8, 10, 14 and 15 of the Gullborg patent No. 1,307,734 were not infringed by the Hollingshead Company's sale of lubricant compressors and suction effect couplers of the type identified herein as Exhibit A, Beezley affidavit.

From the foregoing it appears that the Circuit Court of Appeals for the Sixth Circuit has rendered a decision of such a nature as to justify the issuance of a writ of certiorari for its review and one which has seriously prejudiced the rights of your petitioner.

Respectfully submitted,

LYNN A. WILLIAMS,
ALBIN C. AHLBERG,
Counsel for Petitioner.

34

APPENDIX.

List of Cases in Which Petitioner's Gullborg Patent No. 1,307,734 Was Found Valid and Infringed.

This list includes all of the cases in which decrees were obtained, whether by consent, default, or after contest.

Petitioner was known as The Bassick Manufacturing Company until September 17, 1928, whereupon the corporate name was changed to Alemite Manufacturing Corporation. On May 13, 1929, the corporate name was changed to Alemite Corporation.

Defendant		Date of Decree	Reported
Adams Grease Gun Corp.	N. Y.	Dec. 21, 1931	53 Fed. (2d) 36
A. E. A. Mfg. Co., Inc.	N. Y.	Oct. 11, 1927	
Airshot Lubrication Co.	Ohio	Aug. 22, 1927	
Airshot Manufacturing Co.	Kan.	Sept. 19, 1932	
Alexander, H. and Hrusa, F. C.	Calif.	Mar. 10, 1930	
Aloia, Joseph	N. Y.	Jan. 5, 1929	
Alper, David	Calif.	Dec. 16, 1929	
Aluminum Screw Machine Products Co.	N. J.	Jan. 17, 1928	
American Luberite Corp.	N. Y.	June 25, 1929	
Auto Equipment Co.	Ind.	July 6, 1926	13 Fed. (2d) 463
Auto Equipment Co., Inc.	Tex.	Dec. 9, 1927	
Auto Supply Co., Inc.	Miss.	July 3, 1929	
Automotive Specialty Corp.	N. Y.	Sept. 26, 1927	
Ballou & Wright	Wash.	Feb. 23, 1928	
Barsook, Henry	Mich.	Sept. 11, 1930	
Bearing Supply Co.	Wash.	July 25, 1930	
Beckley-Ralston Co.	Ill.	Jan. 10, 1928	
Bel-Mel Corp.	Ill.	May 12, 1930	
Bercovich, J.	Calif.	Dec. 2, 1929	
Bercovich, M.	Calif.	Mar. 10, 1930	
Berkson, Mae	Ohio	Feb. 10, 1928	
Berlin, David	Mich.	Oct. 14, 1930	
Berlin, F. A.	D. C.	Jan. 23, 1928	
Biddle Purchasing Co.	N. Y.	Jan. 30, 1931	
Blain, W. P.	Ill.	July 1, 1925	
Blumenkopf, Henry	N. Y.	Feb. 4, 1930	
Borderland Auto Supply Co.	Tex.	Sept. 1, 1926	
Boston Pressed Metal Co.	Mass.	Sept. 12, 1927	
Boyer, A. J.	Mass.	Sept. 11, 1930	
Brandfield Corp.	N. Y.	Mar. 9, 1932	
Brandmeier, August T., August T. Brandmeier Corp. and Kelwax Corp.	N. Y.	Feb. 15, 1934	
Brown, M.	N. Y.	Oct. 2, 1934	
Brown & Green Ignition Sales Co.	N. Y.	June 26, 1928	
Burns, W. E.	Ore.	Sept. 11, 1925	
Byron, S.	Ill.	Sept. 22, 1927	

Defendant		Date of Decree	Reported
California Dairies	Calif.	Feb. 18, 1929	
Carpenter, N. A.	N. Y.	Nov. 15, 1928	
Carson Equipment Co.	N. Y.	Mar. 18, 1929	
Cartman, S. J. and J. A.	Calif.	Mar. 7, 1930	
Cavanec, F. and Smith, W. D.	Kan.	Sept. 30, 1931	
Champion Hy-Pressure Mfg. Co.	N. Y.	Feb. 25, 1925	
Chanslor & Lyon Co.	Calif.	Feb. 6, 1929	
Chapman, D. L. and F. R.	Colo.	Jan. 26, 1929	
Chicago Auto Equipment Co.	Ill.	Oct. 15, 1929	
Chicago Automobile Supply House	Ill.	Oct. 15, 1929	
Clark, A. B. et al.	Calif.	Aug. 25, 1933	
Clarksberg Tire Co.	W. Va.	Apr. 12, 1932	
Coffman, W. R.	W. Va.	Apr. 12, 1932	
Cohan, George	N. Y.	Nov. 28, 1930	
Cohen, Gottlieb	N. Y.	Apr. 4, 1928	
Cohen, J. M. and M. A.	Mass.	Nov. 18, 1925	
Cohn, Morris D.	Calif.	Jan. 29, 1932	
Coliseum Battery Co.	Ill.	Oct. 15, 1929	
Commonwealth Screw Co.	Mass.	Jan. 28, 1926	
Community Motor Supply Co.	Ill.	June 16, 1927	
Continental Sales Co.	Ill.	Sept. 29, 1925	
Continental Tire Corp.	Ill.	Mar. 16, 1926	
Cook Auto Machine Co.	Ark.	Oct. 17, 1929	
Cook, J. B., Auto & Machine Co.	Tenn.	Jan. 2, 1926	
Coombs, C. B.	Ind.	Oct. 27, 1933	
Cronin Co., P. J.	Ore.	Apr. 13, 1928	
Curtice, E. S. and Clark, E. O.	Miss.		
Curtis & Christensen, Inc.	Calif.	Feb. 15, 1930	
Cussins & Fearn Co.	Ohio	Apr. 9, 1927	
C. & G. Manufacturing Co.	Ill.	Jan. 8, 1926	
Dawson, S. and Temple, R.	Ill.	Oct. 26, 1931	
Doliva, George	Mich.	Sept. 11, 1930	
Doyle, Larry	Calif.	June 10, 1931	
Drapery Hardware Mfg. Co.	N. Y.	Oct. 18, 1928	
Drolet & O'Brien Co.	Ill.	Oct. 15, 1930	
Eastern Machine Co. et al.	N. Y.	July 22, 1932	
E. G. Mfg. Co., Inc.	N. Y.	Dec. 5, 1927	
Eisenberg, B. and L.	N. J.	Dec. 16, 1931	
Fairchild, Roger	Conn.	Aug. 23, 1932	
Farnsworth, R. and Callahan, T. J.	Calif.		
Farrell Auto Supply Co., Inc.	N. Y.	Aug. 23, 1929	
Farwell, Ozmun, Kirk & Co.	Minn.	Nov. 14, 1928	
Faught, A. E. and Windmiller, H. J.	Tex.	May 18, 1927	
Feldman, L.	Ill.	Dec. 6, 1927	
Fischer, J. Waterman	Calif.	Aug. 24, 1926	
Flamm, Samuel A.	Pa.	Jan. 24, 1930	
Fly, William L.	Mo.	Nov. 19, 1925	
Franklin Auto Supply Co.	R. I.	May 18, 1928	
Froehling Mfg. Co.	Ill.	Dec. 10, 1923	
Fromm, Eric	Mich.	Sept. 30, 1930	
Gaines Motor Sales Co.	Tex.	Apr. 9, 1927	
Garelick, Jake	Mich.	Oct. 15, 1930	
Gavin Co., P. W.	Calif.	Dec. 27, 1926	
Gelier, Ward & Hasner Hardware Co.	Mo.	Apr. 15, 1926	
Gibson Company, The	Ind.	July 12, 1927	
Gillette, S. H.	Calif.	Dec. 11, 1929	

Defendant		Date of Decree	Reported
Globe Sales Co. and W. S. Rea	Minn.	Nov. 28, 1932	
Glyder, Morris J.	N. Y.	Feb. 2, 1932	
Godbey, John S.	Ohio	June 25, 1928	
Gold, J. N. and Marinoff, J.	Pa.	Jan. 21, 1929	
Goldberg, S.	N. Y.	June 29, 1929	
Gould-Mersereau Co.	N. Y.	Feb. 9, 1928	
Grant-Dadey Co.	N. D.	May 25, 1927	
Gray Co., Inc.	Minn.	July 28, 1932	
Grease-Rite Pneumatic Gun Co.	Colo.	Nov. 1, 1927	
Greenberg, H. and Jacobs, B.	R. I.	Jan. 22, 1932	
Green, Howard C.	Calif.	Oct. 16, 1929	
Gresser Manufacturing Co.	Mich.	May 15, 1930	
Griswold-Sohl Co.	Ohio	Sept. 10, 1925	
Gross Hardware & Supply Co., Ph.	Wis.	Oct. 19, 1927	
Gulotta, Charles	N. Y.	May 28, 1929	
Haiden Auto Parts, Inc.	Calif.	Sept. 5, 1929	
Hamerschlag, E.	N. Y.	Feb. 18, 1935	
Harris, Max, and Engert, Hyman E.	Ill.	Jan. 10, 1934	
Harris, Roger and Coleman, L. R.	Conn.	Apr. 11, 1933	
Harris, S. and Hirsch, R.	Ill.	Oct. 8, 1930	
Hartman, John J.	Calif.	Aug. 30, 1929	
Hasford, C. B.	Tex.	Mar. 19, 1935	
Hassell, Inc., John	N. Y.	May 3, 1929	
Haynes, W. W. and Patrick, S. A.	Okla.	July 16, 1927	
Hickman, Paul W.	Pa.	Feb. 7, 1930	
Hi-Pressure Sales Co., Inc.	Calif.	May 7, 1934	33 Fed. (2d) 912
Hittelman, R.	Calif.	May 25, 1931	
Hockaday, Harlow & Phillips	Calif.	Sept. 11, 1929	
Hofer, Jacob, Inc.	N. Y.	Nov. 15, 1928	
Holliday, W. J. & Co.	Ind.	May 28, 1927	
Horst & Wilkinson Co., Inc.	Iowa	Nov. 19, 1928	
Huber, J. F. and F. S.	Calif.	Nov. 29, 1929	
Hunter, William J.	N. Y.	Nov. 29, 1926	
Hygrade Machine Products Mfg. Co., Inc.		May 27, 1929	
Ideal Auto Supply Co.	Ill.	Oct. 15, 1929	
Inter-Mountain Electric Co.	Utah	Dec. 19, 1929	
Jacobs, I. H.	Calif.	Mar. 10, 1930	
Jaffe, Harry E.	Ill.	Apr. 8, 1926	
Jawers Auto Supply Store	Pa.	July 1, 1930	
Johnston, Mose	Ohio	Nov. 11, 1927	
Jones, J. Elmer	Mo.	June 30, 1927	
Jones, V. P.	Calif.	May 6, 1931	
Jones, Wesley J.	Kan.	July 8, 1929	
Justus & Parker Co.	Ohio	Jan. 26, 1929	
Kansas City Filling Station Supply Co.	Mo.	Jan. 9, 1928	
Kantor, Max	N. Y.	Dec. 8, 1933	
Kavanaugh, A. W. et al.	Okla.	Oct. 14, 1929	
Kellogg Mfg. Co.	N. Y.	Apr. 1, 1930	
Kelly-How-Thomson Co.	Minn.	Jan. 2, 1929	
Kirk, A. L.	Calif.	Nov. 12, 1934	
Kirkpatrick, D. B.	Calif.	Apr. 3, 1931	
Klein, Dan	N. Y.	Apr. 9, 1932	
Koehler, A. G. and Koehler, E. T.	Conn.	Oct. 17, 1927	
Kohorn, S. N. and Gup, M.	Ala.	Dec. 8, 1925	
Korchel, George	N. Y.	Jan. 5, 1929	

Defendant		Date of Decree	Reported
Kragen, M.	Calif.	Mar. 24, 1930	
Kramer, M. S.	N. Y.	Nov. 20, 1928	
Kraus, Joseph	Calif.	Sept. 11, 1929	
Kretzer, L. and Seger, C.	N. Y.	July 9, 1928	
Laidhold, Nat	N. Y.	Nov. 13, 1928	
Lamb, B. W.	Kan.	Oct. 2, 1928	
LaMaskin-Berger Co.	Ill.	Nov. 7, 1934	
Larkin Automotive Parts Co.	Ohio	June 7, 1928	18 Fed. (2d) 29
Larkin Automotive Parts Co., et al.	Ill.	June 1, 1928	19 Fed. (2d) 944
Lerer, E. S. and D. M.	Calif.	Mar. 10, 1930	
Leseberg, W. L.	Calif.	Dec. 16, 1929	
Leverstone Sales Co.	Ill.	Dec. 20, 1926	
Linden Auto Sales Co.	N. Y.	Feb. 4, 1930	
Livingston, S. S.	Calif.	June 15, 1931	
Lloyd, A. S. c	Calif.	Dec. 2, 1929	
Lovering, Charles E.	Ohio	June 8, 1925	
Lowe Motor Supplies Co.	N. Y.	Apr. 16, 1927	
Lyman Manufacturing Co.	Ohio	Mar. 18, 1927	18 Fed. (2d) 29
Lyons, J. S.	Okla.	Apr. 9, 1925	
McCauley, C. et al.	Tex.	Mar. 17, 1928	
McCracken, L. S.	Okla.	Oct. 9, 1929	
Maher, Richard D.	Mich.	Mar. 12, 1928	
Malisoff, Fanny	Calif.	Nov. 29, 1929	
Mandel, Conrad	Ill.	Sept. 22, 1927	
Manhattan Mirror Works	N. Y.	Feb. 19, 1930	
Marcus, Henry	Ill.	Sept. 6, 1924	
Marshall-Wells Co.	Minn.	Jan. 2, 1929	
Martin, James	N. Y.	Feb. 23, 1928	
Matras & Sons, Inc.	Wis.	Oct. 14, 1927	
May Screw Products Co.	Mich.	Jan. 8, 1932	
Mee-Oakes Co.	Okla.	Jan. 4, 1926	
Midwest Machinery Products Co.	Ill.	May 6, 1925	
Miller Company	Tex.	Mar. 17, 1928	
Miller, Otto A.	Ohio	May 13, 1926	
Miller's Brass Fitting Co., Inc.	N. Y.	July 3, 1928	
Mills Morris Co.	Tenn.	Apr. 27, 1928	
Min-a Max Company	Minn.	Oct. 29, 1934	
Minthorn, L. L.	N. Y.	Sept. 12, 1928	
Moore-Handley Hardware Co.	Ala.	Dec. 16, 1927	
Moore Hardware & Iron Co.	Colo.	Apr. 9, 1929	
Moore, John M.	Okla	June 11, 1927	
Moore, L. L. and Wood, J. Carlisle	Tex.	Nov. 2, 1932	
Morgan, G. B. et al.	Tex.	June 28, 1932	
Morgan Manufacturing Co., Inc.	Del.	Sept. 5, 1928	
Morris, M. E.	Calif.	Mar. 10, 1930	
Morris, Vernon	Calif.	Dec. 20, 1929	
Morrison's, Inc.	Utah	Aug. 31, 1929	
Motive Parts Co. of America	Ill.	Dec. 27, 1928	
Motor Equipment Co.	Kan.	Mar. 15, 1928	
Motor Parts Co.	Pa.	Jan. 24, 1930	
Motor Parts Depot, Inc.	Tex.	June 4, 1926	
Muller, W. J. and F. B.	Calif.	Dec. 13, 1929	
Munoz, Alfred	N. Y.	Nov. 15, 1928	
Nath, Louis	N. Y.	Nov. 17, 1934	
National Acme Co.	Ohio	June 30, 1925	
National Auto Electric Co.	N. Y.	Nov. 13, 1928	
National Lubricator Corp.	N. Y.	June 18, 1929	
National Service Co.	D. C.	May 13, 1926	

Defendant		Date of Decree	Reported
New Britain Machine Co.	Conn.	Sept. 10, 1927	
New England Mills Co.	Ill.	Mar. 16, 1926	
Nichoalds Co.	Mich.	Feb. 25, 1927	
Nichols, Dean & Gregg	Minn.	Nov. 14, 1928	
Nielsen, Walter	Calif.	Mar. 10, 1932	
Norris, John E.	Mich.	Feb. 6, 1928	
Nurkiewicz, Ignatius	N. Y.	Jan. 5, 1929	
Nusbaum Motor Supply Co.	Mich.	Dec. 30, 1929	
O. K. Manufacturing Co. et al.	Ohio	Dec. 13, 1927	18 Fed. (2d) 29
Olson, Fred L.	Kan.	Dec. 6, 1926	
Orgill Bros. & Co., Inc.	Tenn.	Jan. 5, 1931	
Orr Iron Co.	Ind.	Oct. 10, 1927	
Pacific Lubrication Engineering Co.	Calif.	Mar. 14, 1932	
Paco Accessories, Inc.	Ohio	Apr. 29, 1932	
Paine, Kenneth, and Houde, A.	Mass.	Jan. 24, 1932	
Parts Engineering Co.	Pa.	Feb. 20, 1928	
Paysen, Andrew	Iowa	Nov. 2, 1926	
Pearlman, William	Ill.	June 16, 1927	
Peck Spring Co.	Conn.	Dec. 12, 1927	
Peerless Automatic Machine Co.	Ohio	Sept. 27, 1928	18 Fed. (2d) 29
Pep Auto Supply Co.	Pa.	Nov. 16, 1928	
Peterson, B. W.	Conn.	Nov. 26, 1929	
Phipps, F. H. and Duffey, A. F.	Tex.	May 24, 1929	
Pittsburgh Parts Mfg. Co.	Pa.	Sept. 23, 1927	
Pittsburgh Tire Sales Co.	N. Y.	Dec. 12, 1927	
Plant Co.	Minn.		
Poncher, Louis	Ill.	June 16, 1927	
Porte Mfg. Co.	N. Y.	June 26, 1926	
Post & Lester Co.	Conn.	Nov. 8, 1927	
Pruden Hardware Co., W. E.	N. Y.	Apr. 26, 1927	
Quaker Auto Supply Stores	Pa.	Dec. 7, 1928	
Ramsey Motor Service, Inc.	Minn	Nov. 14, 1928	
Ready Auto Supply Co.	N. Y.	Dec. 30, 1927	22 Fed. (2d) 331
Rex Metal Mfg. Co.	Pa.	Oct. 10, 1934	
Rhode Island Machine & Tool Co.	R. I.	July 9, 1921	
Rieth, Harvey L.	Ohio	June 8, 1925	
Riggs Tire & Supply Co.	Ohio	June 18, 1927	18 Fed. (2d) 29
Riley, P. J.	Ohio	Nov. 16, 1928	
Robertson, William & Sons	Ill.	Apr. 15, 1930	
Robey, H. C. and B. T.	Wash.	June 17, 1926	
Rockmore, N. and Gross, L.	N. Y.	Jan. 3, 1930	
Rogers, G. S. and Dusenberry, R. W.	Pa.	Jan. 19, 1934	74 Fed. (2d) 1019
Roth & Schlenger, Inc.	N. J.	Dec. 16, 1931	
Samuel, I. and B. and J.	Pa.	Feb. 7, 1930	
Saslove, A. and Fisher, S.	Mich.	Jan. 15, 1931	
Sayer, R. S., Jr.	Pa.	Jan. 21, 1930	
Scheffer & Rossum Co.	Minn.	Nov. 14, 1928	
Schlegel, N.	Calif.	Sept. 11, 1929	
Schneer, Emil	N. Y.	Nov. 14, 1928	
Schwartz, D. et al.	N. Y.	Nov. 20, 1928	
Scott, John P.	D. C.	Feb. 8, 1926	
Scott, Carl L.	Calif.	Feb. 5, 1930	
Scovill Mfg. Co.	Conn.	Aug. 14, 1925	
Seedman Automotive & Radio Co., Inc.	N. Y.	Oct. 26, 1929	
Seigel, David	Iowa	Apr. 28, 1924	

Defendant		Date of Decree	Reported
Self, J. M.	Pa.	Apr. 9, 1925	
Shadbolt & Boyd Co.	Wis.	Oct. 21, 1927	
Shawnee Motor Supply Co.	Okla.	Mar. 24, 1927	
Sheridan Auto Supply Co.	Ill.	Oct. 15, 1929	
Sickler, C. F. and Gebhart, G.	Calif.	Feb. 9, 1933	
Siefert, Charles et al.	Ohio	Apr. 11, 1932	
Simmons Mfg. Co.	Ohio	Dec. 5, 1927	
Simon, D. and Feuer, M.	N. Y.	Apr. 23, 1930	
Smith, Barney, and Smallwood, Fred	Tex.	Jan. 15, 1934	
Smith, R. L.	Calif.		
Snow, William and R. H.	Wash.	Oct. 1, 1928	
Sol's Auto Supply	Calif.	Jan. 5, 1932	
Sommer, Herman C.	Calif.	June 7, 1932	
Southern Motor Supply Co.	Okla.	Apr. 9, 1925	
Specialty Sales & Service, Inc.	Minn.	Dec. 26, 1931	
Sper, Norman L.	N. Y.	Nov. 21, 1929	
Staff, John	N. Y.	Aug. 6, 1926	
Staff, Joseph	N. Y.	May 21, 1931	
Stage, C. C. and Miller, J. L.	Neb.	Oct. 2, 1931	
Standard Products Mfg. Co.	Del.	Jan. 9, 1926	19 Fed. (2d) 937
Stetson, John P.	N. Y.	Oct. 18, 1928	
Straus-Frank Co.	Tex.	Jan. 28, 1928	
Tacoma Auto Supply Co., Inc.	Wash.	Apr. 24, 1933	
Taubman Automotive Co.	Md.	Mar. 15, 1927	
Tharp Machine Products Co.	Ill.	Oct. 15, 1929	
Triangle Automotive Parts Co.	Wash.	Oct. 16, 1933	
United Grease Gun Corp.	N. Y.	Sept. 6, 1929	40 Fed. (2d) 549
United States Auto Supply Co, Inc.	N. Y.	July 11, 1929	
United States Screw & Stamping Co.	Mass.	May 9, 1928	
Universal Automotive Supply Co.	Ill.	Oct. 15, 1929	
Up-to-Date Machine Works	Ill.	Jan. 8, 1925	
Van Horbek, W. C.	Utah	Dec. 9, 1925	
Vaughn Auto Supply Co.	Calif.	Nov. 29, 1929	
Vesuvius Corp.	Ill.	Sept. 22, 1927	
Wag's Auto Accessories	Onio	June 18, 1927	18 Fed. (2d) 29
Wagner, Paul G.	Calif.	Nov. 17, 1931	
Wallach Bros. Co.	Ohio	Dec. 13, 1927	
Walsh Tire Co.	Ill.	Jan. 12, 1926	
Warner, Benjamin	Ill.	Feb. 12, 1923	
Warner Hardware Co.	Minn.	May 7, 1926	
Warnke, F. W.	N. Y.	Apr. 2, 1930	
Webb, A. E. and C.	Okla.	Dec. 14, 1929	
Wellworth Auto Supply Co.	N. Y.	June 28, 1926	
Western Auto Supply Co.	Mo.	Mar. 23, 1926	
Whittle, William H.	Ohio	June 8, 1925	
Winner, M. A. and Stone, C. C.	Ill.	Feb. 17, 1926	
Wisco Products, Inc.	Wis.	Feb. 9, 1934	
Wronker, H. A.	Ill.	June 16, 1927	
W. S. Auto Supply Co., Inc.	Tex.	Apr. 9, 1927	
Yankee Automotive Trading Co.	N. Y.	Oct. 2, 1934	
Yant, D. L. et al.	Calif.	Jan. 30, 1933	
Yeamans, W. H.	Calif.	Oct. 8, 1934	
Yellow Cab Co.	Calif.	Dec. 13, 1929	
Zimmerlin, J. and A. P. and L.	Calif.	Dec. 2, 1929	
Zumpano, Edward	N. Y.	Nov. 5, 1930	